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Progress which has been made in school desegregation since 1954 is reported. Each of seventeen Southern and border states, plus the District of Columbia, is reported separately. The status of segregation-desegregation is discussed in terms of public schools; teachers; institutes of higher education; faculties; and special schools for the blind, the deaf, the retarded, the handicapped, and delinquents. Separate schools or desegregation involving mixed blood or ethnic groups such as Moors, Indians, Turks, and others are reported in eleven individual State reports. The summary also includes a list of 421 court cases filed in State and Federal courts on school segregation-desegregation and 488 new laws and resolutions adopted by State legislatures concerning school desegregation.

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Statistical Summary

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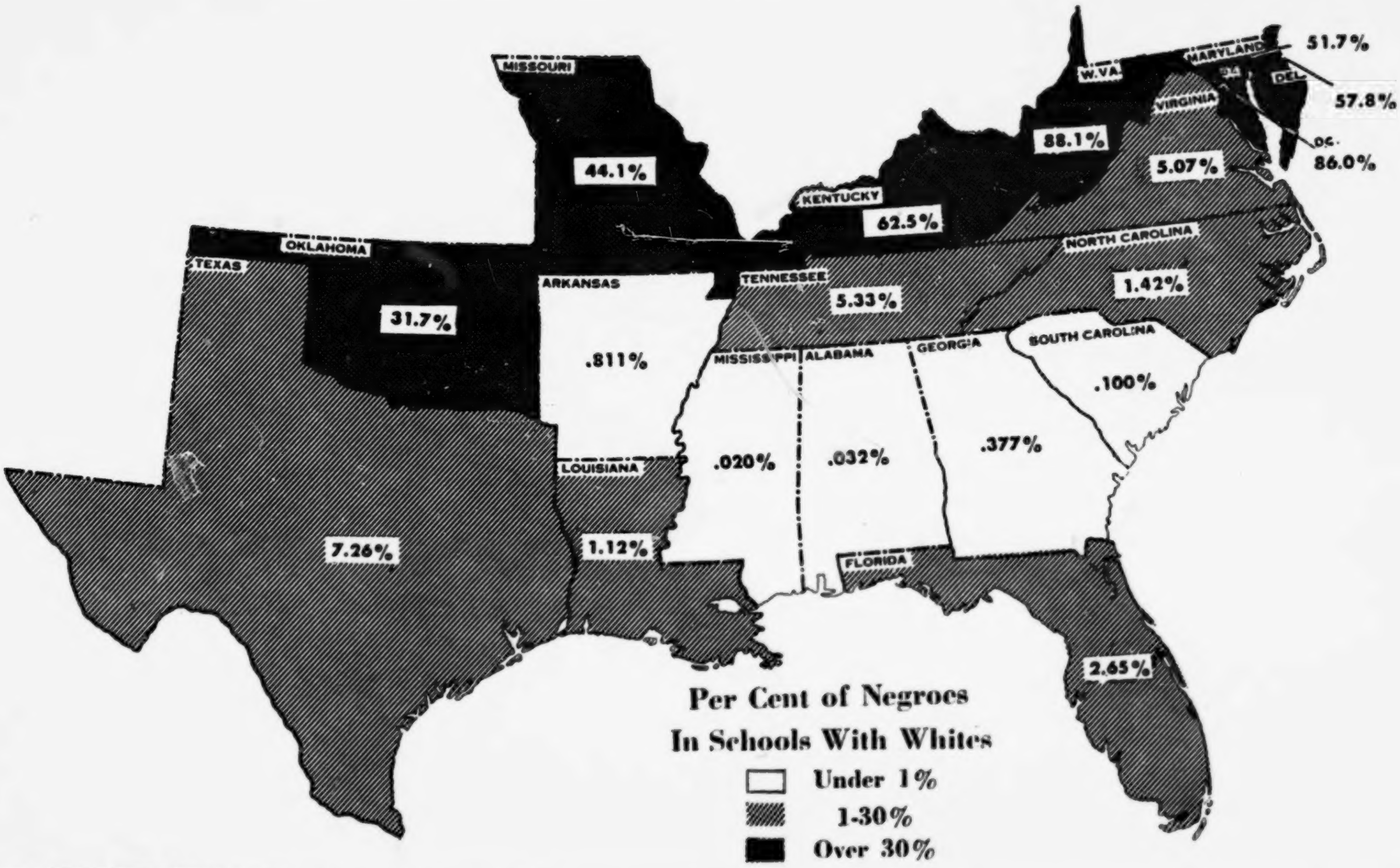
MISSOURI
44.1%
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MARYLAND
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DEL.
57.8%
D.C.
86.0%
VIRGINIA
5.07%
KENTUCKY
62.5%
OKLAHOMA
31.7%
TEXAS
7.26%
ARKANSAS
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TENNESSEE
5.33%
NORTH CAROLINA
1.42%
SOUTH CAROLINA
.100%
MISSISSIPPI
.020%
ALABAMA
.032%
GEORGIA
.377%
LOUISIANA
1.12%
FLORIDA
2.65%
Per Cent of Negroes
In Schools With Whites
☐ Under 1%
▨ 1-30%
■ Over 30%

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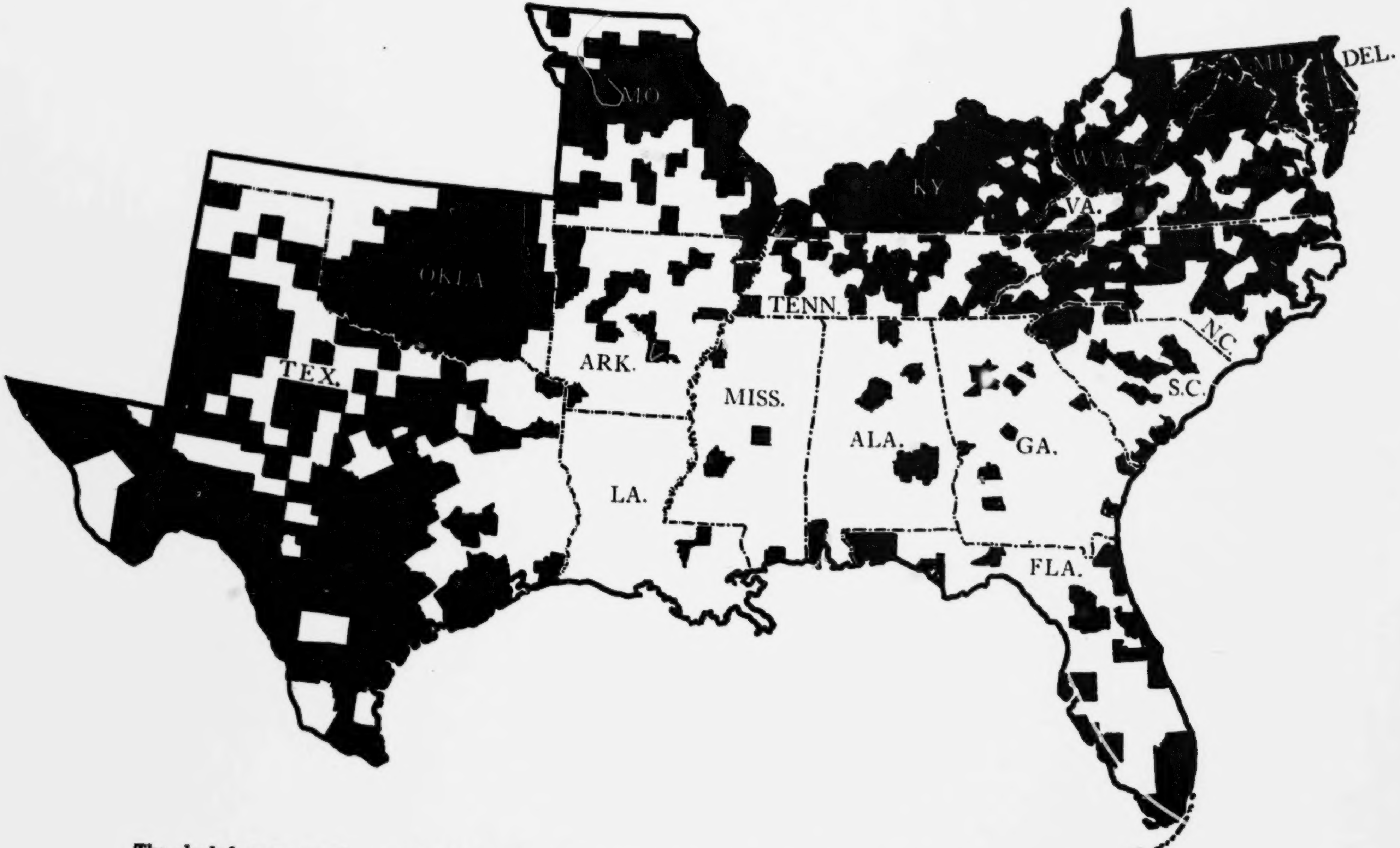
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The shaded areas are the counties in which at least one public school district has desegregated in practice or by policy.

Equal Educational Opportunities Program
c/o 400 Maryland Avenue, S.W.
Washington, D.C.

A Statistical Summary, State By State, of School Segregation-Desegregation in the Southern and Border Area from 1954 to the Present

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THE REGION

Elementary and High Schools

5,973 Districts: 2,950 With Negroes and Whites;
1,282 Desegregated

	White	Negro	Total
Enrollment	11,253,145	3,521,482	14,774,627
Teachers*	419,199	116,028	567,206

*Maryland included in total but not racial breakdowns

Colleges and Universities

223 Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	250	49	299
Enrollment	874,021	75,496	949,517

Status of Segregation-Desegregation

PUBLIC SCHOOLS

The region has 5,973 public school districts—3,023 are either all-white or all-Negro districts, and the other 2,950 have both Negro and white students enrolled. Of these 2,950 biracial districts, 1,282 have desegregated; this includes 1,240 that actually have Negroes attending the same schools with whites and 42 that are desegregated in policy only. Several of the districts having all-white or all-Negro enrollments also have announced desegregation policies, but are not included in the number of desegregated districts. About 1,142 of the desegregated districts acted voluntarily, beginning shortly before the U.S. Supreme Court's 1954 decision and continuing through the present. The other 142 districts desegregated only after a specific court order. Statistics in the table below show that 23.8 of the region's total enrollment is Negro, 53.4 per cent of the Negroes are in desegregated districts, and 10.8 per cent of the Negroes are in desegregated schools. Of the Negroes in desegregated districts, 20.2 per cent actually attend schools with whites. The table also provides separate statistical breakdowns for the 11 Southern states and for the border area. The South has a public school enrollment that is 26.8 per cent Negro; 45.8 per cent of the South's Negro students are in desegregated districts, and 2.14 per cent of the Negroes actually attend schools with whites. Of the Negroes in the South's desegregated districts, 4.67 per cent actually attend schools with whites. The border area has a public school enrollment that is 14.8 per cent Negro; 96.2 per cent of the border area's Negro students are in desegregated districts; and 59.2 per cent of the Negroes actually attend schools with whites. Of the Negroes in the border area's desegregated districts, 61.5 per cent actually attend schools with whites. Comparing the two areas, the South has 85 per cent of the region's total Negro enrollment, and the border area has the remaining 15 per cent. But of the region's 379,352 Negroes in desegregated schools, only 17 per cent of these are in the South, and the other 83 per cent are in the border area schools. The 1964-65 school year is the first in which desegregation has been started at both the public school and public college levels, in every Southern and border state.

	School Districts			Enrollment		In Desegregated Districts		Negroes In Schools With Whites	
State	Total	With Negroes & Whites	Deseg.	White	Negro	White	Negro	No.	†%
Alabama	118	118	8	549,543**	293,476**	152,486**	88,952**	94	.032
Arkansas	412	228	24	333,630**	114,651**	93,072	28,943	930	.811
Florida	67	67	21	1,001,611*	246,215*	812,268*	174,522*	6,524	2.65
Georgia	196	180	11	752,620	354,850	195,598	133,888	1,337	.377
Louisiana	67	67	3	489,000*	321,000*	61,885	86,248	3,581	1.12
Mississippi	150	150	4	308,409**	295,962**	34,620**	21,929**	58	.020
North Carolina ...	171	171	84	828,638	349,282	548,705	201,394	4,949	1.42
South Carolina ...	108	108	16	371,921	260,667	156,346	83,608	260	.100
Tennessee	152	141	61	724,327*	173,673*	459,162*	135,001*	9,265*	5.33
Texas	1,380	862	291	2,086,752*	344,312*	1,500,000*	225,000*	25,000*	7.26
Virginia	130	128	81	733,524**	234,176**	585,491	189,046	11,883	5.07
SOUTH	2,951	2,220	604	8,179,975	2,988,264	4,599,633	1,368,531	63,881	2.14
Delaware	78	43	43	83,325	19,497	78,346	14,484	11,267	57.8
Dist. of Columbia	1	1	1	17,487	123,906	17,487	123,906	106,578	86.0
Kentucky	204	165	164	620,000*	56,000*	540,000*	55,900*	35,000*	62.5
Maryland	24	23	23	565,434	166,861	560,359	166,861	86,203	51.7
Missouri	1,542	212*	203*	818,000*	102,000*	NA	94,000*	44,000*	43.1
Oklahoma	1,118	242	200	542,103*	43,954*	324,981*	37,026*	13,923*	31.7
West Virginia ...	55	44	44	425,821*	21,000*	389,921*	21,000*	18,500*	88.1
BORDER	3,022	730	678	3,073,170	533,218	1,911,094††	513,177	315,471	59.2
REGION	5,973	2,950	1,282	11,253,145	3,521,482	6,510,727††	1,881,708	379,352	10.8

*Estimated **1963-64

†Number of Negroes in schools with whites, compared to total Negro enrollment

††Mo. not included

TEACHERS

Public school teachers remain completely segregated in five Southern states—Alabama, Georgia, Louisiana, Mississippi and South Carolina. Some desegregation has begun in six Southern states—Arkansas, Florida, North Carolina, Tennessee, Texas and Virginia—plus all the border states and the District of Columbia. In four states—Missouri, Oklahoma, Texas and West Virginia—a sizeable number of teachers lost their jobs in the early stages of desegregation. Federal courts have ruled that desegregation of teachers and administrative personnel comes under the *Brown* decision of 1954-55. The South has a total of 317,640 white teachers and 104,770 Negro; the border area has 101,559 white and 11,258 Negro teachers, not including Maryland.

HIGHER EDUCATION

Every state in the region has begun desegregation at the college and university level. The region has 299 institutions of higher learning that are public supported, and 223 of these (75 per cent) are desegregated. Of the 250 all-white or predominantly white schools, 196 will accept Negroes; of the 49 with all-Negro or predominantly Negro enrollments, 27 will accept whites. Every public college and university in the six border states and the District of Columbia has desegregated, but in the South only Arkansas, North Carolina and Tennessee have completed desegregation at this level. The region has an estimated 47,534 Negroes attending public colleges with whites, but only about 12,482 of these are in predominantly white schools. In many instances the exact number of white and Negro students involved in college-level desegregation is unknown, since many states report they no longer keep records by race. Of the 223 desegregated schools, 202 actually have both races attending, and the other 21 are desegregated in policy only. Thirty-four of the schools desegregated by court order, and 189 acted voluntarily. A predominantly Negro school in Maryland, Morgan State College, has had no racial restrictions since its founding in 1867 and it had white students before 1936, when the University of Maryland was the first all-white public college in the region to be ordered by a court to admit Negroes.

	Colleges and Universities						Enrollment		Students in Biracial Colleges	
	Predominantly White		Predominantly Negro		Total		Predominantly White Schls.	Predominantly Negro Schls.	White	Negro
	No.	Deseg.	No.	Deseg.	No.	Deseg.				
Alabama	8	3	2	1	10	4	61,811**	4,542**	49,232*	16*
Arkansas	7	7	1	1	8	8	21,946	2,200	20,595	51
Florida	23	14	11	2	34	16	88,791	8,998	69,717*	4,764*
Georgia	18	9	3	1	21	10	45,918	3,913	32,292	71
Louisiana	10	7	3	1	13	8	52,284	10,973	40,351	2,477
Mississippi	19	1	6	0	25	1	35,467**	5,579**	5,836**	2
North Carolina	12	12	5	5	17	17	42,965	9,136	41,432*	9,611*
South Carolina	6	4	1	0	7	4	19,356	1,748	16,711	24
Tennessee	6	6	1	1	7	7	49,223*	4,689	48,208*	5,704*
Texas	50	48	4	3	54	51	184,411	8,482	176,695*	7,375*
Virginia	21	15	2	2	23	17	42,420	4,173	36,870	1,832
SOUTH	180	126	39	17	219	143	644,592	64,433	537,939	31,927
Delaware	1	1	1	1	2	2	4,383	876	4,393	866
Dist. of Columbia	0	0	1	1	1	1	0	1,293	183	1,110
Kentucky	7	7	1	1	8	8	36,702**	924**	36,063**	1,543**
Maryland	16	16	4	4	20	20	39,581	4,714	38,385*	5,316*
Missouri	14	14	1	1	15	15	59,448*	1,582*	56,650*	3,449*
Oklahoma	22	22	1	1	23	23	63,051	925	57,149*	1,774*
West Virginia	10	10	1	1	11	11	26,264*	749*	24,473*	1,549*
BORDER	70	70	10	10	80	80	229,429	11,063	217,316*	15,607*
REGION	250	196	49	27	299	223	874,021	75,496	755,255*	47,534*

*Estimated **1963-64

FACULTIES

Faculty desegregation has begun at the college level in five Southern states—Florida, North Carolina, Tennessee, Texas and Virginia—and in all the border states, plus the District of Columbia. Faculties remain completely segregated in six Southern states — Alabama, Arkansas, Georgia, Louisiana, Mississippi and South Carolina.

SPECIAL SCHOOLS

Seven Southern states—Georgia, Louisiana, North Carolina, South Carolina, Tennessee, Texas and Virginia—and all the border states, plus the District of Columbia, have initiated desegregation in their trade and special schools—ones for the blind, deaf, dumb, orphan, exceptional, retarded or delinquent children. A Maryland judge has ruled that the 1954-55 decisions of the U.S. Supreme Court included schools for juvenile delinquents and all educational institutions.

ETHNIC GROUPS

Separate schools or desegregation involving such mixed blood or ethnic groups as Moors, Indians, Turks, and others are reported in the individual state reports for Arkansas, Delaware, Florida, Louisiana, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia. Courts ruling on such groups ge[illegible] have followed the legal precedents of school [illegible]segregation suits involving Negroes. One North Carolina county, Robeson, operates separate schools for whites, Negroes, Indians and a mixed blood group known as "Smilings." A formerly all-Indian college in North Carolina, Pembroke, now has a predominantly white enrollment.

LITIGATION

The summary lists 421 court cases filed in state and federal courts on school segregation, desegregation and related issues. Every state in the region has had litigation on the school issue. (See "Race Relations Law Reporter" for texts of court decisions.)

LEGISLATION

Legislatures of all 17 states have adopted 488 new laws and resolutions concerning school desegregation. Most of the legislation has been added to the statute books since 1954, although a few laws were enacted in anticipation of the U. S. Supreme Court's 1954 decision. (See "Race Relations Law Reporter" for text of laws.)

ALABAMA

Elementary and High Schools

118 Districts: 118 with Negroes and Whites;
Eight Desegregated

	White	Negro	Total
Enrollment*	549,543	293,476	843,019
Teachers*	19,131	9,500	28,631

*1963-64

Colleges and Universities

Four Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	8	2	10
Enrollment*	61,811	4,542	66,353

*1963-64

Status of Segregation-Desegregation

PUBLIC SCHOOLS

The first desegregation at this level in Alabama occurred with the opening of the 1963-64 term in Birmingham, Huntsville, Macon County (Tuskegee) and Mobile, all by federal court orders. Huntsville actually began desegregated classes on Sept. 9, 1963, a day before the other three districts. The admission of Negroes to the formerly all-white schools in all four districts had been blocked by state troopers acting under the orders of Gov. George Wallace. President John F. Kennedy federalized the Alabama National Guard on Sept. 10 and all five U.S. district judges in Alabama issued an order restraining further interference by the governor. The desegregated districts are:

Districts	Enrollment* White	Enrollment* Negro	Negroes w/Whites	Date Deseg.
Birmingham	37,861	35,162	7	1963-C
Bullock County	940	3,078	3	1964-C
Gadsden	9,810	3,483	20	1964-C
Huntsville	22,763	2,467	31	1963-C
Macon County	852	5,348	14	1963-C
Madison County	8,301	3,900	4	1964-C
Mobile	48,406	29,000**	7	1963-C
Montgomery City-County	23,553	6,514	8	1964-C
TOTALS	152,486	88,952	94	

*1963-64
**Estimated

TEACHERS

Segregation is maintained at all levels.

HIGHER EDUCATION

Three of the state's seven predominantly white institutions of higher learning are desegregated by court order, and one of the two predominantly Negro schools voluntarily accepted a white student for a 1963 summer session. The University of Alabama first desegregated in February, 1956, when Autherine Lucy attended for several days by order of a federal court in *Lucy v. Adams*. She was driven from the campus by rioting and the Board of Trustees later expelled her for accusing university officials of conspiring in the disorders. The federal court upheld the expulsion but the school remained under permanent injunction to admit qualified Negroes. When three Negroes sought admission to the school in 1963, their suit, *Malone v. Mate*, was combined with the *Lucy* case and they were admitted in June, 1963, under the original order. Gov. George Wallace, who had campaigned on a pledge to "stand in the schoolhouse door" and to block any desegregation efforts, attempted to stop the admission on the main campus June 11, but he withdrew when President John F. Kennedy federalized the Alabama National Guard. Two of the Negroes were accepted by the school and the third enrolled without incident two days later at the Huntsville extension center.

The college enrollments are:

Predominantly White	Enrollment* White	Enrollment* Negro	Date Deseg.
Alabama College	2,031	0	
Auburn University	16,339	3	1964-C
Florence State	3,039	1**	1963-C
Jacksonville State	3,797	0	
Livingston State	1,033	0	
Troy State	4,152	0	
University of Alabama†	29,854	12	1956-C
Medical-Dental	850	0	
Univ. of South Alabama	700	0	
TOTALS	61,795	16	
Predominantly Negro			
Alabama A & M††	0	1,629	1963-V
Alabama State	0	2,913	
TOTALS	0	4,542	

*Estimates based on 1963-64 totals.
**Florence State acknowledges having "several" Negro students, some part-time, but declines to give the number.
†Includes extension centers at Birmingham, Dothan, Gadsden, Huntsville, Montgomery and Selma.
††One white in 1963 summer session.

FACULTIES

Segregation is maintained.

SPECIAL SCHOOLS

All the state's 11 vocational technical schools are segregated. The eight schools for whites had a total enrollment in 1963-64 of 4,398; the three for Negroes, 591. A desegregation suit (*Koen v. Knight*) is pending against the all-white trade school in Mobile.

LITIGATION (18)

Alabama ex rel Patterson v. NAACP

Montgomery Circuit Court Judge Walter B. Jones issued temporary injunction in June, 1956, restraining organization from operation in state. Jones fined NAACP $100,000 for refusing to produce membership records. Fine set aside by U.S. Supreme Court in 1958, reinstated by Alabama Supreme Court in 1959, again set aside in 1959 by U.S. Supreme Court. On Oct. 23, 1961, the U.S. Supreme Court directed Alabama courts to hear the case on its merits—thus permitting the NAACP a chance to free itself of the temporary injunction—or forfeit jurisdiction to the U.S. District Court in Montgomery. Jones made the injunction permanent Dec. 29, 1961. The U.S. Supreme Court ruled in June, 1964, that Alabama had no legal grounds for banning the organization from the state, remanding case to the Alabama Supreme Court, which directed the Montgomery Circuit Court to dissolve the injunction. That court complied Sept. 10, 1964, and the State certified the NAACP to resume operations, effective Oct. 9, 1964. The case had passed through 14 federal and state courts, including four times before the U.S. Supreme Court.

Armstrong et al v. Birmingham Board of Education

Filed in U.S. District Court June 17, 1960, to enjoin Birmingham Board of Education from "operating a biracial school system." *Armstrong* and *Nelson* cases combined. On May 28, 1963, U.S. District Judge Seybourn Lynne refused to order desegregation of Birmingham schools because plaintiffs had not exhausted administrative remedies. But he warned that the court would not tolerate discrimination under the School Placement Law, which had been held valid "upon its face" Nov. 24, 1958, in *Shuttlesworth v. Birmingham Board of Education*. The U.S. Fifth Circuit Court of Appeals ruled July 12, 1963, that the board must submit a plan for September, 1963, and apply the placement law without discrimination "to all grades . . . including the admission of new pupils entering the first grade, or coming into the city for the first time." On Aug. 19, 1963, the District Court approved a grade-a-year plan beginning with the 12th grade. After attempts by Gov. George Wallace to block admission of five Negroes to three previously all-white schools, schools were desegregated on Sept. 10, 1963, when President Kennedy federalized the state Guard. All five of Alabama's federal district judges had issued an order against the governor's interference. Judge Lynne on Jan. 27, 1964, refused a Negro request to expand desegregation at midterm. U.S. Fifth Circuit Court of Appeals on June 18, 1964, ruled that grade-a-year plans no longer were acceptable, and ordered an accelerated plan to be completed by 1968-69. Judge Lynne issued the order in July, 1964. Although the circuit court ruling applied directly only to Birmingham and Mobile (*Davis v. Mobile*), the court stated that the new standard would apply generally to other districts.

Bennett v. Madison County Board of Education

Filed in U.S. District Court in 1964. Judge H. H. Grooms on June 24, 1964, ordered a five-year desegregation plan to begin in September, 1964, and the board complied.

Carr v. Montgomery City-County Board of Education

Filed in U.S. District Court in May, 1964. U.S. District Judge Frank M. Johnson Jr. on Aug. 3, 1964, ordered desegregation to begin in September, 1964, and the district complied.

Davis et al v. Mobile Board of Education

Filed March 27, 1963, in U.S. District Court on behalf of 20 Negro children seeking admission to white schools. U.S. District Judge Daniel H. Thomas refused on April 24, 1963, to grant a temporary injunction against the board, and the U.S. Fifth Circuit Court of Appeals upheld him on May 24, although it directed a "prompt and reasonable start" in desegregation. Judge Thomas on June 24 ordered the board to present by Nov. 14 a desegregation plan for 1964-65. The circuit court on July 9 overruled Thomas and directed that a grade-a-year plan begin with the first grade in September, 1963. The circuit court later revised the order to coincide with the order in the Birmingham case, allowing the school board to submit a plan. On Aug. 16, U.S. Supreme Court Justice Hugo L. Black refused a stay order. Gov. George Wallace attempted to block the admission of two Negroes to the 12th grade at Murphy High but President John F. Kennedy federalized the Alabama National Guard and all five of the U.S. district judges in Alabama issued preliminary injunctions forbidding the governor to interfere. Negroes entered the classes on Sept. 10. On Oct. 28, 1963, the U.S. Supreme Court refused to review the circuit court order. U.S. Fifth Circuit Court of Appeals on June 18, 1964, ruled that grade-a-year plans no longer were acceptable and ordered desegregation to be completed by 1968-69. District Judge Thomas in July requested a new plan and ordered desegregation extended to schools outside the city. The U.S. Supreme Court refused to review on Oct. 12, 1964.

Franklin v. Parker

Filed Aug. 27, 1963, in U.S. District Court by Harold A Franklin, graduate of Alabama State College (for Negroes), for admission to Auburn University's graduate school. U.S. District Judge Frank M. Johnson on Nov. 5, 1963, rejected Auburn's contention that Franklin was not qualified because he had not graduated from an accredited college. Johnson held that it was the state's fault, since neither of the state-operated colleges for Negroes is accredited. Johnson directed Auburn to enroll Franklin on Jan. 2, 1964. The school accepted Franklin but appealed. On May 18, 1964, the U.S. Fifth Circuit Court of Appeals upheld the District Court order.

Gunn v. Norton

Filed Aug. 20, 1963, and on Aug. 29 U.S. District Judge H. Hobart Grooms ordered Florence State College to admit Wendell Willkie Gunn, a Negro, Sept. 11. Gunn entered the college without incident.

Harris v. Bullock County Board of Education

Filed in U.S. District Court in May, 1964. U.S. District Judge Frank Johnson Jr. on Aug. 5, 1964, ordered desegregation to begin in September, 1964, and the board complied.

Hereford et al v. Huntsville Board of Education

Filed March 11, 1963, by five Negro parents in behalf of their children. On Aug. 12, 1963, U.S. District Judge Hobart Grooms ordered Huntsville to accept four Negro students in four schools and directed the board to submit plan of future desegregation no later than Jan. 1, 1964. Negroes entered peacefully Sept. 9, 1963, after being blocked earlier by state troopers under the orders of Gov. George Wallace. Judge Grooms on June 23, 1964, ordered the desegregation plan accelerated for completion by 1968-69.

Koen v. Knight

Filed in Mobile District Court in August, 1960, by Ernest Koen and Frank E. Lee, Negroes, against H. Clay Knight, director of state trade school at Mobile, seeking admission to school. Also named as defendants: State Superintendent of Education Frank R. Stewart and members of State Board of Education. The case remained dormant from 1962 until November, 1964, when two Negro women asked to intervene in the case as additional plaintiffs.

Lee v. Macon County Board of Education

Filed Jan. 28, 1963, in U.S. District Court in behalf of 16 Negro children seeking to attend previously all-white Tuskegee High School. U.S. District Judge Frank M. Johnson Jr. on Aug. 22, 1963, ordered desegregation of Macon County schools, directing the board to apply the state placement law without discrimination and to submit further plans by January, 1964. On Aug. 29, the board approved transfer of 13 Negroes to Tuskegee High. Gov. Wallace attempted to block admission of Negroes, using state troopers. President John F. Kennedy federalized the Alabama National Guard Sept. 10 and all five of Alabama's U.S. District Court judges joined in a restraining order and a preliminary injunction directed at the governor. Negroes entered the school Sept. 10 but all white students withdrew, leaving only 12 Negroes attending the high school (one of the original 13 was expelled). White students began attending other white schools nearby and a newly organized Tuskegee private school. On July 16, 1963, Judge Johnson asked the federal government to participate in the suit. The State Board of Education on Jan. 30, 1964, closed the boycotted Tuskegee Public School as uneconomic. On Feb. 3, Johnson ordered the 12 Negroes into Macon County High at Notasulga and into Shorter High, and issued restraining orders against state officials. Six Negroes entered Shorter High without incident on Feb. 5, but Notasulga city officials delayed the Negroes' entry for several days. White students boycotted both schools completely. The state board on Feb. 4 authorized tuition grants for whites to attend private schools, but in emergency session on Feb. 18 rescinded its Jan. 30 and Feb. 4 orders. Also on Feb. 18, the State Supreme Court, in an advisory opinion requested by Gov. Wallace, ruled that the board had no authority to close local school systems. Three-judge U.S. District Court on April 28, 1964, ordered the six Negroes admitted to another part of the Notasulga school complex after the high school burned on April 18. Three-judge U.S. District Court on July 13, 1964, ordered state and local officials to cease interference in school desegregation in Macon County and other Alabama districts; stopped use of tuition grants to segregated private schools; ruled that desegregation was the responsibility of the state; and warned that it could and might later issue a statewide desegregation order, invalidate the state Pupil Placement Law, and prohibit the use of state funds by segregated districts.

Lucy v. Adams

U.S. District Judge H. Hobart Grooms ordered Autherine Lucy admitted to the University of Alabama on Feb. 3, 1956, but Grooms upheld her expulsion after brief attendance for accusing school officials of conspiracy in the riots that drove her from the campus in February. Order opening university to all qualified Negroes remains in effect. (See *Malone v. Mate*)

Malone v. Mate

Filed April 15, 1963, in U.S. District Court by Vivian J. Malone and James Hood, seeking admission to the University of Alabama main campus in Tuscaloosa, and by Dave M. McGlathery, seeking admission to the university's Huntsville extension center. On May 21, 1963, Judge H. Hobart Grooms ruled that the July 1, 1955, permanent injunction ordering the university to accept qualified Negroes remained in effect *(Lucy v. Adams)*. Grooms directed admission of the Negro students. On June 11, Gov. George Wallace turned back Asst. U.S. Attorney General Nicholas Katzenbach who arrived on the main campus with Miss Malone and Hood. President John F. Kennedy federalized the Alabama National Guard, and ordered Wallace to desist. Wallace stepped aside and the students were enrolled. On June 13, McGlathery entered the Huntsville center without incident. The university filed notice of appeal June 19. Hood withdrew from the university in August, 1963, under doctor's orders, he said, while faced with charges he had attacked the administration in a July speech in Gadsden. (See *Lucy v. Adams*)

Miller et al v. Love et al

Filed in U.S. District Court on Nov. 18, 1963, by 12 Negro students. On Dec. 18, 1963, District Judge H. H. Grooms ordered a plan submitted to begin in September, 1964. On June 25, 1964, Judge Grooms ordered a five-year desegregation plan.

Nelson et al v. Birmingham Board of Education

Filed June 13, 1962, in U.S. District Court, seeking substantially same relief as *Armstrong* case. Combined with *Armstrong* case for hearings, and dismissed on May 28, 1963, because Nelson children no longer lived in Birmingham.

Reed v. Pearson et al

Willie Reed attended Reeds Chapel School in Washington County for three days in January, 1961, but was dismissed after other parents protested his presence. Suit filed in U.S. District Court was dismissed on Aug. 21, 1961. Appeal to U.S. Fifth Circuit Court of Appeals charged he was "not discriminated against by the white race, but by people of his own race, color, mixed blood group and by his own relatives." Appellate court upheld District Court that no federal question was raised and that the case was "nothing more than a family squabble among Negroes of mixed blood."

Shuttlesworth v. Birmingham Board of Education

The U.S. Supreme Court on Nov. 24, 1958, held *Act 201* of 1955 (amended in 1957) valid "upon its face," affirming finding of three-judge district court May 9, 1958, which denied a Negro request for an order admitting Negroes to Birmingham white schools.

United States v. Mobile, Huntsville and Madison County Boards of Education

Filed Jan. 18, 1963, by the U.S. Department of Justice seeking desegregation of schools attended by children of servicemen in the three areas. The Huntsville and Madison suits were joined. On May 29, 1963, U.S. District Court Judge H. Hobart Grooms ruled in Birmingham that the justice department was "without authority" in bringing suits against Huntsville and Madison County. Grooms said individuals must show discrimination, otherwise the pupil placement law remained valid. "Except in the field of voting rights," Grooms found, "the Congress has granted no authority to bring such a suit as this. In fact, it has refused to grant such permission." U.S. Fifth Circuit Court of Appeals on Jan. 7, 1964, upheld dismissal on grounds that "No occasion can arise for the suggested unprecedented and extremely dangerous exercise of the war power to affect the operation of the public schools . . ."

LEGISLATION (35)

1955

(First Special Session)

SJR 23—Asked Congress to limit appellate jurisdiction of federal courts.

1955

(Regular Session)

Act 187—Allowed "freedom of choice" in school segregation for Wilcox County.

Act 201—Established pupil assignment criteria. Amended by *Act 367*, 1957. Upheld in *Shuttlesworth v. Birmingham Board of Education*.

1956

(First Special Session)

Act 40—Modified teacher tenure in Macon County to permit firing of teachers who advocate desegregation.

Act 41—Modified teacher tenure in Marengo County to permit firing of teachers who advocate desegregation.

Act 42—Interposition and nullification.

Act 43—Required registration of organizations soliciting memberships in Marengo County.

1956

(Second Special Session)

Act 58—Requested U.S. Supreme Court to modify its desegregation ruling.

Act 82—Proposed amendment for "freedom of choice" in school segregation, removed from state constitution the requirement for public schools, authorized legal defense, repealed requirement for separate schools by race, and provided for disposal of property to private schools. Approved in referendum in August, 1956.

Act 117—Amended compulsory attendance law and authorized separate schools for children whose parents "voluntarily elect" them.

1957

Act 14—Stated interposition doctrine and protested Supreme Court's school and other decisions.

Act 15—Condemned "Black Monday" school decision.

Act 102—Urged Supreme Court to "reverse . . . tendency" and "restore rule of law."

Act 119—Established Legislative Coordinating Committee.

Act 142—Proposed constitutional amendment to limit federal court terms to definite periods.

Act 143—Requested convention to implement proposal of *Act 142.*

Act 239—Modified teacher tenure in Bullock County to permit firing teachers who advocate desegregation.

Act 361—Modified teacher tenure in Lowndes County to permit firing teachers who advocate desegregation.

Act 367—Amended pupil assignment act (*Act 201,* 1955) to make school officials judicial officers in fact as well as name.

Act 528—Allowed boards of education to close schools, to sell or lease buildings, and provide tuition grants for private schooling. Amended by *Act 210* of 1961.

Act 532—Protected teacher retirement benefits in case of public school closing or conversion to private schools.

Act 550—Urged president to protect states' rights.

1959
(First Special Session)

Act 5—Memoralized Congress to call constitutional convention to consider amendment declaring that states have exclusive control of public education.

1959
(Regular Session)

Act 652—Permitted allocation of education funds to private schools where public schools not available.

1959
(Second Special Session)

Act 39—Provided for secession of individual schools from local and state systems and for their organization into independent districts.

Act 127—Provided state aid at college level for instruction not available at public colleges.

1961
(Special Session)

Act 210—Amended 1957 school closing law (*Act 528*) to permit boards of education to close desegregation-threatened schools "in the public interest," without waiting for violence or threat of it.

Act 249—Modified teacher tenure in Dallas County to permit firing of teachers who advocate desegregation.

Act 383—Modified teacher tenure in Sumter County to permit firing of teachers who advocate desegregation.

Act 443—Modified teacher tenure in Perry County to permit firing of teachers who advocate desegregation.

1962

HJR 35—Established 15-man Commission on Constitutional Government and provided $25,000 to "promulgate information concerning the dual system of government," with emphasis on the "effect of integration" of schools and other public institutions. Gov. John Patterson killed by pocket veto on the ground that "the responsibility of maintaining segregation in the public schools rests primarily with the governor."

1963

Acts 460, 522—Permitted local boards to separate students on basis of "disparate ability, background and achievement," and to provide special classes, instruction, and whatever grouping considered necessary "in the best interest of the students and the entire student body of the school". The acts' sponsor, Rep. Alton Turner, said the legislation provided for segregation by sex and race within a school ordered desegregated.

Act 514—Established State Sovereignty Commission

1964
(Second Special Session)

Act 3—Sought to force amendment of the U.S. Constitution by two-thirds of the state legislatures, giving all control of public schools to the states.

ARKANSAS

Elementary and High Schools

412 Districts: 228 with Negroes and Whites;
24 Desegregated

	White	Negro	Total
Enrollment*	333,630	114,651	448,281
Teachers**	13,205	3,545	16,750

*1963-64
**1962-63

Colleges and Universities

All Eight Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	7	1	8
Enrollment	21,946	2,200	24,146

Status of Segregation-Desegregation

PUBLIC SCHOOLS

The state's first desegregation was at Charleston and Fayetteville, both in 1954, both voluntary. Statistics on desegregated districts follow:

District	Enrollment White	Enrollment Negro	Negroes w/whites	Brcl. Schools	Date Deseg.
Alma	1,269	31	16	1	1964-V
Atkins	650	78	26	1	1964-V
Batesville	1,677	126	11	3	1964-V
Bentonville	1,719	4	4	2	1955-V
Charleston	517	18*	18*	2	1954-V
Danville	428	12	12	2	1964-V
Dardanelle	930	58	15	1	1964-V
Dollarway	1,447	1,698	2	1	1960-C
Fayetteville	4,447	136	67*	3	1954-V
Forrest City	2,910	3,609	0**	0	1964-V
Fort Smith	11,388	1,138	290	8	1957-V
Gosnell	1,611	38	20	1	1962-V
Havana	306	12*	12*	2	1964-V
Hot Springs	5,211	1,140	13	4	1956-V
Hoxie	999	1	1	2	1955-V
Little Rock	16,089	7,496	213	16	1957-C
Mansfield	688	12	12	2	1962-V
N. Little Rock	9,719	2,902	8	2	1964-V
Ola	436	14	14	2	1964-V
Pine Bluff	5,308	3,796	11	3	1963-V
Pulaski Co.	15,801	4,371	53	6	1959-V
Russellville	2,434	114	32	2	1964-V
Texarkana	4,215	2,064	5	2	1964-V
Van Buren	2,873	75*	75*	4	1957-C
TOTALS	93,072	28,943	930	72	

*Estimates by school officials.
**One Negro in a high school withdrew after few weeks.

TEACHERS

Complete segregation is maintained, except Little Rock in the fall of 1964 named a Negro as supervisor of elementary education.

HIGHER EDUCATION

All eight state, tax-supported colleges and universities consider applicants without regard to race. The University of Arkansas desegregated voluntarily in January, 1948. The seven other colleges adopted desegregation in principle in the summer of 1955 on the advice of the state attorney general, who said the U.S. Supreme Court decisions would apply to them. Enrollment figures, all estimated, are:

Predominantly White	White	Negro	Date Deseg.
Arkansas A&M	1,300	0	1955-V
Ark. Polytechnic	1,697	3	1955-V
Ark. State	3,907	10	1955-V
Ark. State Teachers	2,595	5	1955-V
Henderson State Teachers	2,013	4	1955-V
Southern State	1,908	4	1955-V
Univ. of Arkansas	8,475	25	1948-V
TOTALS	21,895	51	
Predominantly Negro			
Arkansas AM&N	0	2,200	1955-V
STATE TOTALS	21,895	2,251	

FACULTIES

No college has a desegregated faculty. No Negro teachers have lost jobs due to desegregation.

SPECIAL SCHOOLS

The state maintains separate schools by race for the blind, the deaf, the retarded and the handicapped, and for the incorrigible or the delinquents. The state also maintains a vocational trade school for whites at the high school level but none for the Negroes.

ETHNIC GROUPS

As far as known, all children in these groups attend regular public schools with whites. During cotton chopping (spring) and cotton picking (fall) seasons, Arkansas imports Mexican workers, whose children also attend regular white public schools.

LITIGATION (35)

Aaron v. Cooper

Aaron v. McKinley

Aaron v. Tucker (See *Norwood v. Tucker*)

Banks v. Izard

Filed Oct. 28, 1955, in U.S. District Court, seeking desegregation of Van Buren public schools. Desegregation ordered by the court in January, 1956. School board presented plan Aug. 21, 1956, and began desegregation September, 1957.

Bates v. City of Little Rock

Appeal by Mrs. L. C. Bates from her conviction under the Little Rock "Bennett" ordinance, which required disclosure of NAACP membership list. U.S. Supreme Court overturned conviction Feb. 23, 1960.

Carr v. Young

Filed June 17, 1959, in Pulaski County Chancery Court, Little Rock. Contested *Act 10* of 1958. Chancery Court upheld the act and State Supreme Court affirmed on Feb. 8, 1960. Carr, Gephardt and Shelton cases consolidated on appeal to U.S. Supreme Court, which held act invalid Dec. 12, 1960.

Dove v. Parham

Filed Feb. 6, 1959, in U.S. District Court. Sought to end segregation in the Dollarway School District at Pine Bluff. Principal rulings and events:

Aug. 4, 1959—Federal district judge ordered three Negroes admitted to the white high school but upheld validity of the pupil placement law (*Act 461* of 1959).

Sept. 21, 1959—U.S. Eighth Circuit Court of Appeals affirmed ruling on placement law and ordered the plaintiffs to complete the appeal procedure under the law, instead of being admitted immediately to the white high school.

Feb. 19, 1960—On supplementary complaint by the Negro plaintiffs that they had completed the procedure but still were denied admission to the white school, a federal district judge refused to order them admitted but ordered the school board to file a statement of "affirmative policy" by which it would eliminate segregation.

April 30, 1960—District judge approved the board's statement, which provided that starting in 1960, first grade students would be assigned to schools according to the preference of their parents "insofar as possible" and that transfers at higher grades would be opposed.

Aug. 30, 1960—U.S. Eighth Circuit Court of Appeals ruled that the statement did not constitute an adequate start toward desegregation.

September, 1960—One Negro girl entered the first grade of the white school under the plan.

Oct. 12, 1960—District judge ordered the board to present a new "more adequate, objective and definite" plan.

Nov. 19, 1960—Board filed restatement of original plan, assuring that no student would be denied admission to a school solely on racial grounds, and argued that the Negro's admission was an objective and definite action.

Dec. 20, 1960—District judge said the new plan was not enough, ordered the board to "beef it up."

March 13, 1961—Board filed another—the third—version of its desegregation plan. It said first graders would be admitted to schools of their choice subject to meeting the criteria of the assignment law and making at least average scores on preschool tests.

May 12, 1961—District judge authorized board to proceed with plan and after the board assigned only two Negro pupils to the white school, the judge on Aug. 25 ordered two more admitted.

Nov. 6, 1961—The district judge refused to allow the board to assign a Negro second grader back to the Negro school, even though that might be more advantageous for him educationally, because there was no reason for the transfer under the pupil assignment law.

Oct. 24, 1962—The court ordered a Negro girl admitted to the 10th grade at the start of the second semester, in January, unless the board could find, by Jan. 1, 1963, a valid reason for not admitting her under the assignment law.

Jan. 21, 1963—Over the board's objection, the girl was admitted to the 10th grade.

Duncan v. Kirby

Vernon H. Duncan, a civilian arrested by an Army officer at Little Rock Central High School on Oct. 3, 1957, was fined $50 in Municipal Court. In March, 1958, State Supreme Court granted Duncan's motion to dismiss the case.

Ex Parte Rector

Filed Aug. 17, 1957, in Pulaski County Chancery Court, Little Rock. Sought to determine the validity of four 1957 segregation laws, *Acts 83, 84, 85* and *86*. No hearing was ever held.

Fitzhugh v. Ford

Filed Sept. 16, 1958, in Pulaski County Chancery Court, Little Rock. Contested validity of *Act 5*, of 1958, which provided for state tuition payments to the schools attended by pupils displaced by schools closed under *Act 4* of 1958. Upheld Oct. 1, 1958, by Chancery Court, and on May 4, 1959, by State Supreme Court, but ruled invalid June 18, 1959, by U.S. District Court, in *Norwood v. Tucker* (then *Aaron v. Cooper*).

Garrett v. Faubus

Filed Sept. 12, 1958, in Pulaski County Chancery Court, Little Rock. Contested validity of the school-closing law, *Act 4* of 1958. Act upheld Oct. 1, 1958, by Chancery Court, and April 27, 1959, by State Supreme Court, but ruled invalid in June, 1959, by Federal District Court in *Norwood v. Tucker* (then *Aaron v. Tucker*).

Gephardt v. Tucker

Filed June 19, 1959, in Pulaski County Chancery Court, Little Rock. Contested *Act 10* of 1958. Chancery Court upheld act and State Supreme Court affirmed on Feb. 8, 1960. U.S. Supreme Court held act invalid Dec. 12, 1960, in Shelton, Gephardt and Carr cases consolidated on appeal.

Glover v. McKinley

Filed May 22, 1959, in Pulaski County Circuit Court, Little Rock. Libel suit by 39 white teachers asked $3.9 million against former school board president and his campaign manager. Plaintiffs withdrew their complaint March 19, 1962, without explanation.

Hoxie School District v. Brewer

Filed Oct. 14, 1955, in U.S. District Court, seeking to enjoin interference with school board's desegregation plan and asked for declaration of the board's duty under the 1954-55 Supreme Court decisions. On Jan. 9, 1956, District Court enjoined interference, held all state segregation laws invalid and ruled that board had duty to desegregate or be liable to lawsuit. Justice department intervened on side of school board (first desegregation suit the department entered). On Oct. 25, 1956, U.S. Eighth Circuit Court of Appeals affirmed District Court.

Jackson v. Kuhn

Filed Oct. 2, 1957, in U.S. District Court. Sought removal of federal troops from Little Rock Central High School. Dismissed Oct. 15, 1957, by the court. U.S. Eighth Circuit Court of Appeals upheld District Court on April 28, 1958.

Kemp v. Beasley

Filed Oct. 15, 1964, in U. S. District Court as a class action seeking to end segregation in the El Dorado public schools.

King v. Little Rock School District

Filed Nov. 13, 1958, in Pulaski County Chancery Court. Sought to keep school board from buying up contract of former Supt. Virgil T. Blossom at face value. Dismissed April, 1959, after Blossom declined the board's offer and accepted lesser amount.

Matthews v. Lanius

Filed June 20, 1952, in U.S. District Court by Negro plaintiffs who sought equal facilities in Bearden public schools and also requested, as matter of form, desegregation of schools. U.S. Supreme Court ruling of 1954 brought the desegregation request into play. District Judge John E. Miller on Oct. 4, 1955, ordered Bearden school board to start changing to non-discriminatory school system within a year. School board and Negro plaintiffs worked out plan of equalization that satisfied both sides. Board presented desegregation plan March 19, 1957, but Judge Miller issued no order and held case in abeyance. There have been no more proceedings.

NAACP v. Bennett

Filed Dec. 4, 1958, in U.S. District Court. Contested validity of *Acts 12, 13, 14* and *16* of 1958. Court ruled Feb. 17, 1959, that state courts should rule first. U.S. Supreme Court on June 22, 1959, ordered District Court to reconsider. After hearing Sept. 12, 1959, District Court again stayed proceedings pending action by state courts. Plaintiffs refiled February 1960, in Pulaski County Chancery Court. On May 13, 1961, Chancellor Murray O. Reed voided *Acts 12, 14* and *16* but upheld *Act 13*. Both sides appealed to the State Supreme Court, which voided all four acts on June 3, 1963. Bennett asked for a rehearing, which was refused Sept. 9, 1963.

NAACP v. Faubus

Filed Oct. 26, 1957, in U.S. District Court. Contested validity of *Act 85* of 1957, which required certain organizations to register with the State Sovereignty Commission. Federal court stayed proceedings until law had been tested in state courts. State Supreme Court ruled *Act 85* invalid in September, 1959, in the case *Smith v. Faubus*. Petition in federal court dismissed Feb. 12, 1962, by request of the judge and with consent of the plaintiffs.

Norwood v. Tucker

Filed Feb. 8, 1956, in U.S. District Court, Little Rock, as *Aaron v. Cooper*. Attacked Little Rock school plan of gradual desegregation as inadequate. Main rulings and events:

Aug. 28, 1956—District Court upheld plan.

April 29, 1957—U.S. Eighth Circuit Court of Appeals upheld plan.

Aug. 30, 1957—District Court overruled Chancery Court injunction against desegregation plan and ordered board to proceed.

Sept. 2, 1957—Gov. Orval Faubus called out Arkansas National Guard to prevent violence.

Sept. 3, 1957—Schools opened and the National Guard blocked the admission of the Negro students to Central High.

Sept. 7, 1957—President Eisenhower returned from vacation at Newport, R.I., to confer with government officials on Little Rock.

Sept. 14, 1957—Gov. Faubus and President Eisenhower conferred at Newport, R.I.

Sept. 20, 1957—Gov. Faubus withdrew the National Guard. Federal court enjoined Gov. Faubus and others against interfering with court-ordered desegregation; injunction upheld April 28, 1958, by Eighth Circuit Court and by U.S. Supreme Court in October, 1958.

Sept. 23, 1957—President Eisenhower nationalized the state National Guard.

Sept. 24, 1957—The president ordered federal troops flown into Little Rock, and the president returned to the White House for a speech to the nation to explain his actions.

Sept. 25, 1957—Nine Negroes entered Central High under protection of federal troops.

Nov. 27, 1957—Federal troops were withdrawn, and the nationalized Guardsmen remained on duty until May 29, 1958, two days after graduation ceremonies in which one of the Negroes received a diploma.

June 20, 1958—District Court delayed the plan until January, 1961.

Aug. 18, 1958—U.S. Eighth Circuit Court of Appeals reversed district court's decision granting a delay. The appellate court held that potential violence was insufficient to delay court order for desegregation. U.S. Supreme Court, on Sept. 12, upheld the circuit court and ordered the board to proceed with desegregation plan.

Sept. 12, 1958—Gov. Faubus closed Little Rock high schools and ordered referendum Sept. 27 on whether to close high schools or desegregate every school in district immediately. Vote was 19,470 to 7,561 for closing.

Sept. 29, 1958—School board enjoined by appeals court from leasing public school property to Little Rock Private School Corp.

Nov. 4, 1958—Dale Alford, school board member who opposed any desegregation, defeated Brooks Hays for Congress. Nov. 12, other five board members resigned en masse. Dec. 6, new six-man board elected and Ed I. McKinley Jr., became president (making style of case *Aaron v. McKinley*). May 25, 1959, McKinley and two others recalled from board, three new members appointed and Everett Tucker Jr. became president (making style of case *Aaron v. Tucker*).

June 18, 1959—*Acts 4* and *5* of 1958 held unconstitutional by District Court; affirmed Dec. 14, 1959, by U.S. Supreme Court.

Aug. 12, 1959—Little Rock high schools reopened with Negroes assigned to both Central and Hall High Schools.

August, 1959—Negro plaintiffs in *Aaron v. Tucker* filed supplemental complaint that school board was using placement law to limit desegregation.

Sept. 20, 1960—District Court upheld board's use of placement law (*Act 461* of 1959), declared this terminated case and ruled that Negro plaintiffs in future would have to file individually. (In appealing this ruling, attorney for plaintiffs changed style of case to *Norwood v. Tucker*).

March 2, 1961—Eighth Circuit Court reversed District Court, ruled that board was using assignment law illegally and must begin applying it objectively to all students, and ordered board to speed up desegregation plan.

June 13, 1961—After board assigned 48 Negro pupils to white schools for 1961-62, plaintiffs asked that assignments be done over and district judge refused.

Sept. 9, 1961—Plaintiffs protested 1961-62 assignments but district judge overruled protests.

Sept. 25, 1964—Five Negro pupils filed motion to intervene, alleging that they had been refused admission to desegregated schools, and asking that both students and teachers be assigned without regard to race.

Oct. 26, 1964—Judge Gordon E. Young denied the intervention because the original suit was a class action and there was no basis for expanding it.

Parker v. Blossom

Filed Mar. 7, 1958, in Pulaski County Circuit Court, Little Rock. Sought reinstatement of Sammie Dean Parker, white student expelled from Central High School because of incidents with Negro students. Dismissed March 11, 1958, when she was reinstated.

Rogers v. Paul

Filed Sept. 12, 1963, in U.S. District Court by Mr. and Mrs. William Rogers, Negro parents who sought the admission of their two daughters to Northside High School, a white school in Fort Smith. On June 13, 1964, U.S. District Judge John E. Miller ordered the board to revise its plan and eliminate the voluntary transfer provision. On Aug. 10, 1964, Judge Miller refused to order the plaintiffs admitted because the grade-a-year plan had not reached the high school level; he dismissed the complaint except for the parts dealing with teachers.

Safferstone v. Tucker

Filed July 21, 1961, in Pulaski County Chancery Court. Safferstone and other white property owners sued to stop the Little Rock school board from converting Rightsell Elementary School from white to Negro use. The court upheld the school board, and the State Supreme Court affirmed the decision on May 4, 1962.

Shelton v. Tucker

Filed April 21, 1959, in U.S. District Court. Contested validity of *Act 10* of 1958 and *Act 115* of 1959. In June, 1959, District Court upheld *Act 10* but held *Act 115* invalid. *Act 10* held invalid Dec. 12, 1960, by U.S. Supreme Court.

Smith v. Faubus and State Sovereignty Commission

Filed Aug. 16, 1957, in U.S. District Court, then refiled Nov. 8, 1957, in Pulaski County Chancery Court, Little Rock. Attacked validity of 1957 legislation establishing State Sovereignty Commission. State Supreme Court in Sept. 14, 1959, crippled *Act 83* of 1957, which established the commmission, by ruling that six of its 12 members could not legally serve because they were members of the legislature; this left the commission without a quorum and thus powerless to act. At same time the State Supreme Court invalidated *Act 85* of 1957, which required certain organizations to register with the commission, on the ground that the state had no authority to control lobbying, which is regulated by federal law. The federal court suit was dismissed Feb. 26, 1962, at the request of the judge and with consent of the plaintiffs.

State v. NAACP

Case No. 108,363 filed Aug. 26, 1957, in Pulaski County Chancery Court, Little Rock. Contended NAACP was foreign corporation, which had failed to register with state and owed $350, and sought to examine NAACP records. Default judgment for penalty and interest of $437.50 entered and paid by NAACP, November, 1957, but NAACP stood firm on claim that its records were privileged. State Supreme Court affirmed ruling Dec. 23, 1958, and U.S. Supreme Court refused to hear appeal, June 15, 1959. On Aug. 18, 1961, the $437.50 was transferred to State Revenue Department and from there to Secretary of State, who then issued notice that the NAACP was in good standing.

State v. NAACP Legal Defense and Educational Fund

Case No. 44,679 filed Aug. 26, 1957, in Pulaski County Circuit Court, Little Rock. Sought $5,000 penalty for alleged failure to file with state as foreign corporation. No ruling has been made.

State v. NAACP

Case No. 44,851 filed Oct. 10, 1957, in Pulaski County Circuit Court, Little Rock. Sought $5,000 penalty for alleged failure to register as foreign corporation. No ruling has been made.

State v. NAACP

Case No. 45,182 filed Dec. 23, 1957, in Pulaski County Circuit Court, Little Rock. Sought injunction to prevent alleged illegal practice of law. Circuit Judge Guy Amsler held on May 30, 1961, that he did not have the authority to issue the requested injunction and dismissed the lawsuit.

State v. NAACP Legal Defense and Educational Fund

Case No. 45,183 filed Dec. 23, 1957, in Pulaski County Circuit Court, Little Rock. Sought injunction to prevent alleged illegal practice of law. No ruling has been made.

Stephens v. Laster

Filed Dec. 24, 1958, in Pulaski Circuit Court, Little Rock. Contested Laster's victory over Stephens in school election Dec. 6, 1958, for position on Little Rock school board. Laster was recalled from board in special election and suit became moot.

Taylor v. University of Arkansas

Filed Oct. 16, 1958, in Pulaski County Chancery Court, Little Rock. Sought to cure any legal defect in purchase of a school site from university by Little Rock Private School Corp. Court ruled that any defect had been cured by *Act 223* of 1959.

Thomason v. Cooper

Filed Aug. 28, 1957, in Pulaski County Chancery Court, Little Rock. Sought injunction to prevent Little Rock school board from proceeding with its desegregation plan. Chancery Court granted injunction Aug. 29, 1957. U.S. District Court overruled injunction Aug. 30, 1957. U.S. Eighth Circuit Court of Appeals upheld District Court, April 28, 1958.

Whitfield v. Raney

Filed Aug. 17, 1964, in U.S. District Court by two Negro seniors in the University of Arkansas at Fayetteville, against the University Board of Trustees, seeking to end alleged racial segregation in university housing, teacher hiring, varsity athletics, student recruitment, social organizations and "all other activities coupled with a racial policy." On Sept. 5, 1964, Judge J. Smith Henley ordered the university to admit the two plaintiffs to housing without discrimination, but declined to issue a temporary injunction or to make his order to apply to any other students.

Wilbern v. Little Rock School Board

Filed Aug. 14, 1957, in Pulaski County Chancery Court, Little Rock. Sought transfer of white students from desegregated schools. Hearing never held.

Williams v. City of North Little Rock

Appeal by Mrs. Birdie Williams from her conviction under the North Little Rock "Bennett" ordinance, which required disclosure of NAACP membership list. U.S. Supreme Court overturned conviction Feb. 23, 1960.

Wise v. Gasaway

Filed Sept. 19, 1955, in U.S. District Court by Negro teachers who protested their pay was lower than white teachers' in Gould (Lincoln County) School District. Dismissed December, 1957, at request of plaintiffs, who said pay had been equalized.

LEGISLATION (44)

1956

Initiated Act 2—Enacted pupil placement law by initiative petition and referendum. Approved 214,712 to 121,129 in general election Nov. 6, 1956.

Constitutional Amendment 47—Required legislature to adopt interposition. Enacted by initiative petition and referendum. Approved 185,374 to 146,064 in general election Nov. 6, 1956.

Resolution of Interposition—Declared state policy. Enacted by initiative petition and referendum. Approved 199,511 to 127,360 in general election Nov. 6, 1956.

1957

Act 83—Created State Sovereignty Commission with duty to protect Arkansas and other states from encroachment by federal government and to provide advice and legal assistance to school districts on matters relating to commingling of the races. Had power to examine books, records, investigate, hold hearings and to subpoena persons and things. Law rendered ineffective Sept. 14, 1959, by State Supreme Court ruling, in *Smith v. Faubus,* that six of the 12 commission members could not legally serve because they were members of the legislature, thus leaving commission without a quorum to act.

Act 84—Modified compulsory school attendance law to provide that no child would be required to attend a desegregated school.

Act 85—Required racial lobbyists and promoters to register with the Sovereignty Commission. Rendered ineffective by State Supreme Court, Sept. 14, 1959, in *Smith v. Faubus,* by ruling that law could not apply to lobbyists.

Act 86—Authorized schools boards to hire legal counsel to defend board or any board member in desegregation suits.

1958

(Special Session)

Act 4—Permitted governor to close schools. Declared invalid June 18, 1959, by U.S. District Court, in *Norwood v. Tucker* (formerly *Aaron v. Tucker*).

Act 5—Provided that state aid be withheld from schools closed under *Act 4* and be paid to schools attended by students transferring from the closed school. Declared unconstitutional June 18, 1959, by U.S. District Court in *Norwood v. Tucker* (formerly *Aaron v. Tucker*).

Act 6—Permitted student transfers from desegregated school to any segregated school.

Act 7—Permitted segregated classes within desegregated school.

Act 8—Appropriated $100,000 for governor's expense in school crisis.

Act 9—Authorized recall of school board members on petition of 15 per cent of qualified electors (*Act 19* of 1959 made it 25 per cent.) Repealed by *Act 61* of 1961.

Act 10—Required teachers to list, as condition of employment, memberships in and contributions to organizations in last five years. Upheld June, 1959, by U.S. District Court but held unconstitutional Dec. 12, 1960, by U.S. Supreme Court in consolidated appeal of *Shelton v. Tucker, Gephardt v. Tucker* and *Carr v. Young.*

Act 11—Made law prohibiting practice of law by corporations apply to benevolent and charitable organizations.

Act 12—Required any organization deemed to be "interfering with operation of public schools" to file membership lists and other records with county judge. Voided May 13, 1961, in *NAACP v. Bennett,* and State Supreme Court on June 3, 1963, also held the law unconstitutional.

Act 13—Authorized state attorney general to get court order to search office and copy records of organization suspected of evading state taxes. Voided June 3, 1963, by State Supreme Court in *NAACP v. Bennett*.

Act 14—Defined barratry, set penalties for conviction. Voided May 13, 1961, in *NAACP v. Bennett*, and the State Supreme Court on June 3, 1963, also held the law unconstitutional.

Act 15—Appropriated $19,200 to state attorney general for expenses of school desegregation suits.

Act 16—Made it unlawful to promise or to give anything of value as an inducement to commence a lawsuit. Voided May 13, 1961, in *NAACP v. Bennett*, and the State Supreme Court on June 3, 1963, also held the law unconstitutional.

Act 17—Made it a misdemeanor to enter public school property or public place of business and create disturbance.

1959

SJR 5—Proposed *Constitutional Amendment 52* on tuition grants, local option on school closing, other matters. Rejected at general election Nov. 8, 1960.

Act 19—Required 25 per cent (instead of 15 per cent) of electors to petition for school board recall election. Repealed by *Act 61* of 1961.

Act 46—Provided for tuition grants to students themselves if schools closed.

Act 55—Protected retirement benefits of teachers switching to private schools.

Act 115—Made it unlawful for any NAACP member to be employed by state, county, municipality or school district. Declared unconstitutional June, 1959, by U.S. District Court in *Shelton v. Tucker*.

Act 151—Provided tuition grants to students who decline to attended desegregated school.

Act 207—Authorized school boards to meet in jail if any member jailed for defying desegregation court order.

Act 208—Allowed schools closed during desegregation to use average daily attendance of previous year in applying for state aid.

Act 223—Cleared title to land for T. J. Raney High School (private).

Act 225—Permitted county judges to require certain records and information from any organization deemed to be interfering in school operations.

Act 226—Made creating disturbance in public place a misdemeanor.

Act 236—Provided tuition grants to white students whose "welfare would be served by attending segregated instead of desegregated school."

Act 275—Authorized school district to transfer funds to other districts providing educational opportunities for students from transferring district.

Act 300—Prohibited false bomb threats.

Act 337—Appropriated $65,000 to Pulaski County (rural) School District and $3,000 to Hazen School District for expense of taking in displaced Little Rock high school students during 1958-59.

Act 358—Appropriated $100,000 to State Board of Education for use by needy school districts in desegregation litigation.

Act 461—Pupil assignment law. Included all assignment criteria of *Initiated Act 2* of 1956 except one (the location of pupil's residence in relation to schools) and omitted the injunction in *Act 2* that race may not be considered.

Act 466—Provided that money withheld under *Act 5* of 1958 and unused would be returned to school district from which withheld.

1961

HCR 14—Requested Congress to propose a constitutional amendment providing that Supreme Court decisions be invalidated on application within three years of decision by one-fourth of state legislatures until decision subsequently approved by three-fourths of legislatures.

SJR 1—Proposed to amend state constitution to provide that no child would be denied free public school education because of refusal to attend school with student of different race if school board were satisfied that attendance would be inimical to child's welfare. Defeated in general election Nov. 6, 1962.

Act 45—Increased penalties for bombing or dynamiting public or private property.

Act 61—Repealed *Act 9* of 1958 and *Act 19* of 1959, which provided for school board recall elections.

Act 265—Required State Board of Education to reimburse local school districts for 50 per cent or more of cost of desegregation, appropriated $100,000 for that purpose and outlined procedure for checking claims.

DELAWARE

Elementary and High Schools

78 Districts: 43 with Negroes and Whites;
43 Desegregated

	White	Negro	Total
Enrollment	83,325	19,497	102,822
Teachers*	3,840	960	4,800

*Estimated

Colleges and Universities

Both Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	1	1	2
Enrollment	4,383	876	5,259

Status of Segregation-Desegregation

PUBLIC SCHOOLS

Of the 78 school districts, only 43 are desegregated; the other 35 districts, although desegregated under State Board of Education policy, are either all-white or all-Negro in enrollment. Arden and Claymont were the first to desegregate, voluntarily admitting Negroes in 1953. New Castle County was a defendant in the original School Segregation Cases decided by the U.S. Supreme Court in 1954 *(Belton v. Gebhart)*. Nine districts have acted voluntarily. A federal court ordered the state's grade-a-year plan ended and complete desegregation started in all grades and schools for the 1961-62 year—the first statewide desegregation order in the region. The 43 desegregated districts have an enrollment of 78,346 whites and 14,484 Negroes. In these districts, 11,267 Negroes attend 117 schools with whites. The desegregated districts are:

State Board Units (29)

Arden #3
Gunning, Bedford
Bridgeville #90
John M. Clayton
Henry C. Conrad #131
DeLaWarr #47
Delmar #163
John Dickinson #133
Alfred I. duPont #7
Ellendale #125
Felton #54
Frederica #32
Greenwood #91
Hartly #96
Houston #125
Kenton #9
Lincoln #3
Lord Baltimore #28
Magnolia #50
Marshallton #77
Middletown #60
Millsboro #23
Milton #8
Newport #21
Odessa #61
Selbyville #32
Stanton #38
Sussex Co.
  V. T. C. #100
Townsend #81

Special Districts (14)

Claymont
Dover
Alexis I. duPont
Harrington
Laurel
Milford
New Castle
Mount Pleasant
Newark
Rehoboth
Caesar Rodney
Seaford
Smyrna
Wilmington

TEACHERS

At least three schools, in Wilmington, Newark, and Dover, have added Negroes to previously all-white faculties. The Delaware State Education Association, which desegregated in 1947, adopted a resolution at its 1964 convention, urging that Negro teachers in small districts involved in mergers, be absorbed by the receiving districts.

HIGHER EDUCATION

Both state schools are desegregated. The University of Delaware, only formerly all-white, tax-supported school in the state, announced in 1948 that it would accept Negroes for graduate courses not offered at Delaware State College. The university admitted Negro undergraduates under order from the Court of Chancery in 1950. The enrollments are:

	White	Negro	Date Deseg.
Delaware State College	50*	826	1953-V
Univ. of Delaware	4,343	40*	1948-V
TOTALS	4,393	866	

*Estimated

FACULTIES

The University of Delaware has over 340 faculty members but does not keep race statistics. One Negro reportedly taught in the 1963 summer school after a charge that the university did not have a single Negro faculty member. The predominantly Negro college, Delaware State, has 54 faculty members, some of whom are white. Delaware State does not keep race statistics, either.

SPECIAL SCHOOLS

Delaware does not maintain any special schools, as such, for the blind, deaf, dumb, etc. Instead, schools themselves operate such units in rooms inside the regular school buildings. The majority of this type school is located in New Castle County, but one also has been built in Caesar Rodney Special School District in Kent County. Such classes are open to members of all races.

ETHNIC GROUPS

Delaware's Constitution still calls for separate schools for Indians, Moors, Negroes, and whites, although all schools are under federal court order to admit pupils of all races. In practice, the small schools for separate ethnic groups are being dissolved. In 1962, for instance, the Nanticoke Indian school in Sussex County closed as the pupils enrolled at white schools.

LITIGATION (7)

Belton v. Gebhart

Bulah v. Gebhart

Filed in the Court of Chancery on July 13, 1951, to desegregate public schools in Claymont and Hockessin. On April 1, 1952, Chancellor Seitz ordered the Negro plaintiffs admitted to the schools. The Delaware Supreme Court affirmed the decision on Aug. 28, 1952. On appeal to the U.S. Supreme Court, the cases were joined with the other school segregation suits pending before the court. The Delaware cases were decided with the other cases on May 17, 1954.

Buchanan v. Evans et al (Later Ennis v. Evans)

Negro pupils sought admission in seven white school districts in Kent and Sussex counties in eight suits filed in U.S. District Court in 1956. Court on July 15, 1957, ordered State Board of Education to submit desegregation plan for all public schools, to be accomplished by fall term, 1957. The U.S. Third Circuit Court of Appeals on Aug. 29, 1960, ordered the state board to end its grade-a-year plan to desegregate all schools, beginning with the 1961-62 school year. In its decision, the court said that what determined "with all deliberate speed" and a "reasonable start" would differ in other communities and only could be decided on "due consideration of all the pertinent factors and circumstances." Supreme Court in January, 1961, refused to review the circuit court order. U.S. District Judge Caleb Wright on Aug. 29, 1962, ordered Rose Hill-Minquadale district to admit nine more Negroes. U.S. District Judge Caleb R. Layton III on Oct. 15, 1962, signed an order forbidding Lincoln School to deny admission of certain Negro children.

Dennis et al v. Baker et al
Sought admission of Negro pupils to elementary grades in the Dover district, which in 1954 admitted Negro pupils to high school academic courses. Filed in U.S. District Court in Wilmington in August, 1957. The court has not ruled in the case, perhaps because *Buchanan v. Evans et al* was viewed as a class action.

Gebhart v. Belton (See *Belton v. Gebhart*)

Parker v. University of Delaware
Delaware State Court of Chancery in 1950 reaffirmed principal that segregation per se did not violate the 14th Amendment if equal facilities were provided, but found that such a disparity between the facilities of Delaware State College for Negroes and the University of Delaware warranted an order for admission of Negroes to the university.

Shockley v. Board of Education, Laurel School District
Negro school principal discharged in 1958 for insurbordination appealed to State Superior Court, which ordered his re-instatement. In November, 1959, State Supreme Court reversed lower court, but also held board had erred in not allowing principal to offer evidence concerning his being questioned about his efforts to enter his daughter in white school in 1957. Court ordered board to hold new hearing.

Steiner v. Simmons
Negro pupils filed suit in state court, alleging that they had been enrolled in Milford High School but were dropped because of race requirement of state law. Vice chancellor in lower court granted temporary injunction, but on February 8, 1955, State Supreme Court reversed order on grounds that although U.S. Supreme Court had nullified those state laws, the court also had granted time for officials to work out a plan to conform.

LEGISLATION (1)

1961

Ch. 261—Established State Human Relations Commission.

DISTRICT OF COLUMBIA

Elementary and High Schools

Constitutes a single desegregated school district

	White	Negro	Total
Enrollment	17,487	123,906	141,393
Teachers*	1,336	3,638	4,974

*1963-64; Includes Teachers College faculty.

Colleges and Universities

Desegregated

	White	Negro	Total
D.C. Teachers College* Enrollment	183	1,110	1,293

*District's only strictly public college.

Status of Segregation-Desegregation

PUBLIC SCHOOLS

Complete desegregation began in 1954 after the U.S. Supreme Court's ruling in *Bolling v. Sharpe* and the other School Segregation Cases. For the 1964-65 school year, the District has 156 biracial schools with a total of 16,844 whites and 106,578 Negroes, 24 all-Negro schools with 17,328 Negroes, and one all-white school with 643 whites.

TEACHERS

All faculties in the District school system are desegregated. No racial distinctions are made in either hiring or assigning teachers to schools. This includes Teachers College faculty.

HIGHER EDUCATION

D.C. Teachers College is the only strictly public college in the District. The school resulted from the merger of the district's two uniracial colleges in 1954.

SPECIAL SCHOOLS

All are desegregated in practice or policy.

LITIGATION (2)

Bolling v. Sharpe
Filed in 1950 to desegregate Washington, D.C., schools and included in the U.S. Supreme Court's school segregation decision in 1954. The case was settled in 1954 under the Fifth Amendment.

Sabine v. Sharpe
Sought an injunction against the school desegregation plan. Federal District Court for the District of Columbia awarded the defendant school board a summary judgment in 1954.

LEGISLATION

D.C. Board of Commissioners

In 1958, the board appointed the Commissioners' Council on Human Relations

FLORIDA

Elementary and High Schools

67 Districts: 67 With Negroes and Whites;
21 Desegregated

	White	Negro	Total
Enrollment*	1,001,611	246,215	1,247,826
Teachers	38,043	11,172	49,215

*Estimated

Colleges and Universities

16 Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	23	11	34
Enrollment	88,791	8,998	97,789

Status of Segregation-Desegregation

PUBLIC SCHOOLS

The first school district to desegregate in the state, Dade County (Miami), acted voluntarily in 1959 in advance of a court order. Enrollments in desegregated districts are:

County	Enrollment* White	Enrollment* Negro	Negroes w/Whites	Biracial Schools	Date Deseg.
Alachua	15,372	5,134	4	1	1964-V
Bay	13,204	4,279	4	1	1964-C
Brevard	39,331	5,067	100	8	1964-C
Broward	71,412	12,237	87	20	1961-V
Charlotte	2,211	321	15	2	1963-V
Dade	166,812	40,462	4,855	51	1959-V
Duval	98,815	23,215	62	8	1963-C
Escambia	39,872	7,917	112	13	1962-C
Hillsborough	88,520	13,012	300	16	1961-V
Lee	12,372	3,607	11	1	1964-V
Leon	13,012	5,211	7	2	1963-C
Marion	10,776	4,439	6	2	1964-V
Monroe	8,780	1,728	125	5	1962-V
Okaloosa	13,773	4,625	19	3	1963-V
Orange	59,106	12,082	78	5	1962-V
Palm Beach	51,970	7,447	150	12	1961-C
Pinellas	59,409	11,912	450	10	1962-V
St. Johns	3,607	2,167	21	4	1963-V
Santa Rosa	4,212	1,813	20	2	1963-V
Sarasota	11,207	2,974	48	2	1962-V
Volusia	28,495	4,873	50	3	1961-V
TOTALS	812,268	174,522	6,524	171	

*Estimated

TEACHERS

Two counties, Dade and Sarasota, have desegregated teaching staffs—Sarasota at one school and Dade at 24, including some at the principal level. Duval, Hillsborough and Volusia counties are under court orders to desegregate teaching staffs but no action has been taken. The Florida Education Association removed racial restrictions in 1964.

HIGHER EDUCATION

The first Negro to attend the University of Florida, George H. Starke, enrolled in the Law School in September, 1958, by a court order in *Hawkins v. Board of Control*. The university enrolled its first Negro undergraduates for 1962-63. Enrollments are:

	Enrollment White	Enrollment Negro	Date Deseg.
Predominantly White			
Fla. Atlantic Univ.	867	0	1964-V
Fla. State Univ.	12,196	11	1962-V
Univ. of Fla.	15,683	18	1958-C
Univ. of S. Fla.	6,492	6	1960-V
19 Junior Colleges†	52,053	1,465	
TOTALS	87,291	1,500	
Predominantly Negro			
Fla. A&M Univ.	1	3,264	1963-V
10 Junior Colleges†	0	5,733	
TOTALS	1	8,997	
STATE TOTALS	87,292	10,497	

†Junior colleges operate under the county school boards. The enrollment figures for these schools follow:

Bay County			
Gulf Coast	1,028	0	
Rosenwald	0	126	
Brevard County			
Brevard	3,275	147	1963-V
Broward County			
Broward	3,189	79	1962-V
Columbia County			
Lake City	1,236	0	
Dade County			
Miami-Dade	11,127	1,206	1960-V
Escambia County			
Escambia	6,794	0	
Washington	0	307	
Jackson County			
Chipola	1,321	0	
Jackson	0	80	
Lake County			
Lake-Sumter	593	0	
Johnson	0	265	
Lee County			
Edison	1,006	8	1964-V
Madison County			
North Fla.	716	0	
Suwanee River	0	328	
Manatee County			
Manatee	1,942	0	1962-V
Marion County			
Central Fla.	1,299	2	1964-V
Hampton	0	538	
Okaloosa County			
Okaloosa-Walton	616	0	
Palm Beach County			
Palm Beach	3,619	12	1961-V
Roosevelt	0	204	
Pinellas County			
Pinellas	6,239	4	1961-V
Gibbs	0	964	1961-V
Polk County			
Polk	1,116	0	
Putnam County			
St. Johns River	1,663	2	1964-V
St. Lucie County			
Indian River	1,346	0	
Lincoln	0	179	
Volusia County			
Daytona Beach	3,928	5	1962-V
Volusia	0	2,742	
TOTALS	52,053	7,198	

*Estimated

FACULTIES

Florida State University and Florida A&M University have a faculty-exchange program, which has involved a number of professors and instructors. Miami-Dade Junior College has a desegregated faculty with 10 Negroes. Gibbs Junior College has an all-Negro student body but has had some white faculty members.

SPECIAL SCHOOLS

Two state industrial schools for boys and two for girls are segregated. The two schools for boys have duplicated facilities separated by a street. The girls institutions have two duplicated facilities in the same towns. The Florida School for Deaf and Blind at St. Augustine has no duplicated facilities but keeps the races separate.

ETHNIC GROUPS

All Indians go to regular white schools except those attending two federally operated schools on federal reservations at Dania and Brighton.

LITIGATION (30)

Augustus et al v. Board of Public Instruction of Escambia County

U.S. District Judge Harrold Carswell on March 17, 1961, ordered Escambia County to produce a desegregation plan for September, 1961. With court approval, the school board began the desegregation in Pensacola and county schools in September, 1962. On July 24, 1962, the U.S. Fifth Circuit Court of Appeals ordered elimination of dual districts for grades one and two in September, 1963, and for a grade a year thereafter. The court ordered the District Court to consider the request for teacher desegregation. In December, 1962, Judge Carswell ordered a speedup of Escambia desegregation, beginning in September, 1963.

Blalock et al v. Board of Public Instruction of Lee County

Filed in U.S. District Court on August 5, 1964, asking full desegregation. On October 27, 1964, Judge Joseph Lieb withheld approval of board's proposed grade-a-year plan and ordered a new plan submitted.

Braxton et al v. Board of Public Instruction of Duval County

Class suit filed in 1960 in U.S. District Court seeking desegregation at all school levels. The court rejected a petition by a group of whites who wanted to intervene as defendants. On Aug. 12, 1962, U.S. District Judge Bryan Simpson ordered the county to submit a complete desegregation plan, including teachers. On May 8, 1963, the court approved a grade - a - year plan, which began in September. On Jan. 9, 1964, the U.S. Fifth Circuit Court of Appeals upheld the order for teacher desegregation on the grounds that the issue came under the U.S. Supreme Court rulings in the School Segregation Cases of 1954-55. The U.S. Supreme Court on May 4, 1964, reaffirmed the lower court rulings on teachers. On. Aug. 14, 1964. Judge Simpson denied a request to speed desegregation.

Ellis v. Kipp

Filed in U.S. District Court on April 6, 1962, for complete school desegregation of Orange County schools. County desegregated voluntarily in September, 1962. On May 13, 1964, plaintiffs withdrew the complaint in return for consent order on a desegregation plan.

Florida v. Special School Tax District No. 1 of Dade County

Florida Supreme Court validated school bonds in 1955 case with racial aspect.

Gibson et al v. Board of Public Instruction of Dade County

U.S. District Court dismissed suit in 1956 on grounds that none of plaintiffs had been denied admission to a particular school. U.S. Fifth Circuit Court of Appeals in July, 1957, reversed lower court on grounds it was unnecessary to exhaust administrative remedies and to show admission to particular school had been denied, where officials had adopted overall policy of non-integration and where application would have been futile. U. S. Fifth Circuit Court of Appeals in 1959 ruled pupil assignment was not good faith compliance, ordered Dade County to proceed with desegregation. County school board already had ordered Negroes admitted to one school and since has assigned Negroes to others. U.S. District Court refused to reopen case on appeal of Negro group in 1962. U.S. Fifth Circuit Court of Appeals on Dec. 11, 1962, denied the Negro petition for a writ of mandamus.

Gibson et al v. Florida Legislative Investigating Committee

Florida Supreme Court upheld committee power to subpoena NAACP membership lists in 1960. Rev. Theodore Gibson sentenced to jail for contempt for failure to comply with order. U.S. Supreme Court vacated the sentence in June, 1962.

Hall et al v. Board of Public Instruction of Broward County.

Suit filed in August, 1961, in U.S. District Court to desegregate school system. School board voted to assign Negro children to white schools.

Hammond v. University of Tampa

Two Negroes filed suit in U.S. District Court in March, 1963, requesting a desegregation on the basis that the private school received tax funds. U.S. district Judge Joseph P. Lieb on February 4, 1964, ruled that the school was private and not subject to court mandates for desegregation.

Hawkins v. Board of Control

Five Negroes sought admission to the University of Florida in a suit filed in 1949 in a state court. The U.S. Supreme Court ruled in 1956 that Hawkins should be admitted forthwith but the Florida Supreme Court refused to accept the mandate. In 1957, by a consent decree, the Board of Control agreed to accept all qualified students regardless of race while plaintiff Virgil O. Hawkins agreed not to contest further the board's finding that he was ineligible because of a low score on admission tests. Negro students have been admitted to the University of Florida, the first in 1958.

Hendrix v. Florida State Cabinet

William Hendrix, long-time Ku Klux Klan leader, filed suit in 1960 in Leon Circuit Court to compel the governor and members of his cabinet to hold a statewide referendum on maintaining segregated schools. The court granted a motion to dismiss on grounds that such a referendum, even if held, would be of no force or effect.

Holland et al v. Board of Public Instruction of Palm Beach County

Filed in 1955 to compel acceptance of one Negro boy in a white school. U.S. Fifth Circuit Court of Appeals ordered the board to proceed with desegregation. Compliance delayed by Holland's appeals to local and state school boards and a dispute over school district lines. Under a consent decree in September, 1961, Palm Beach desegregated the high schools. In May, 1962, U.S. District Judge Emmett C. Choate ordered all students admitted to high school nearest their home, without regard to race or academic achievement. Children of Negro lawyer, W. M. Holland, on June 16, 1963, were ordered admitted to schools with whites.

Majors et al v. Board of Public Instruction of Monroe County

Filed in U.S. District Court on May 27, 1964, by group of Negroes who claimed that the county school system was not as desegregated as officials reported. County authorities denied the charges and two leading plaintiffs said the suit was filed without their knowledge. The suit remains inactive.

Manatee County Board of Public Instruction v. State

Florida Supreme Court validated school bonds in 1957 case with racial aspect.

Mannings et al v. Board of Public Instruction of Hillsborough County

Filed in U.S. District Court in 1959 for complete desegregation of county schools. The county desegregated its first school in the fall, 1961. On Aug. 21, 1962, U.S. District Judge Bryan Simpson ordered the county to submit a complete desegregation plan. The county proposed to desegregate the first grade in 1963, and grade a year thereafter. The District Court approved the plan May 25, 1963.

Mays et al v. Board of Public Instruction of Sarasota County

Filed in U.S. District Court on Oct. 12, 1961, on behalf of seven Negroes seeking to desegregate schools. Two schools desegregated voluntarily in 1962. District Court in 1963 ordered grade-a-year to begin in the junior high grades, since elementary grades already had desegregated. Issue of teacher desegregation held in abeyance.

Milledge et al v. State Board of Control

Filed in 1963 in Leon County Circuit Court to enjoin state from financial support of graduate law school at Florida A&M University as an excessive burden on taxpayers to support segregated school. Petition denied in August, 1963, on grounds that segregation was not proven. Upheld on appeal.

Mills et al v. Board of Public Instruction of Polk County

Filed in U.S. District Court in August, 1963, for complete desegregation of county schools.

Platt v. Board of Public Instruction of Lake County

Parents claimed school board refused children's admission to white school on grounds that the children were non-white. Fifth Circuit Court of Lake County on Oct. 20, 1955, found plaintiffs were of Cherokee Indian and Caucasian descent and ordered them admitted to the white school.

Scott et al v. Board of Public Instruction of St. Johns County

Filed in U.S. District Court in April 6, 1962, to desegregate schools. District voluntarily began desegregation in September, 1963, while suit in progress.

Sears et al v. Board of Public Instruction of Lee County

Filed in Lee County Circuit Court in October, 1962, opposing construction of new Negro school, contending white schools have facilities for Negroes. Petition denied.

Singleton et al v. Board of Commissioners of State Institutions et al

Filed in U.S District Court on Nov. 12, 1963, by the NAACP on behalf of four juveniles arrested in St. Augustine sit-in demonstrations, the suit asked desegregation of Florida's training schools for juvenile delinquents.

State v. Lake County Board of Public Instruction

State Circuit Judge T. G. Futch refused to validate $5.6 million county bond issue for seven Negro schools, holding desegregation was ignored. Florida Supreme Court reversed the ruling, which State School Supt. Bailey had said would jeopardize entire state school building program.

Steele et al v. Board of Public Instruction of Leon County

Filed in U.S. District Court on March 2, 1962, for complete desegregation of students and teachers. U.S. District Judge denied motion to strike that portion of the suit relating to teachers, but said no testimony would be heard on this point when the trial began. District Judge G. Harrold Carswell in March, 1963, ordered desegregation, beginning in September, 1963, and on April 22, 1963, he approved a grade-a-year pupil-assignment plan. Schools in the county, seat of the state capital, began desegregation as scheduled.

Stoudenmire et al v. Braxton et al

Whites sought to intervene in *Braxton v. Duval County.* Motion denied by U.S. District Court and on March 9, 1962, by U.S. Fifth Circuit Court of Appeals.

Tillman et al v. Board of Public Instruction of Volusia County

Filed in U.S. District Court in 1960 for complete desegregation. County voluntarily desegregated in 1961. U.S. District Judge Bryan Simpson on Aug. 21, 1962, ordered plan of complete desegregation, including teachers. County proposed desegregating first grade in 1963, with one grade a year thereafter, but asked more time on teacher desegregation. Judge Simpson approved the school desegregation plan on May 8, 1963.

U.S. v. Bay County Board of Public Instruction

Filed in U.S. District Court in November, 1963, by U.S. Department of Justice to force desegregation of public schools on grounds that federal authorities had received written assurances there would be no discrimination against children of federal employes covered by federal grants-in-aid.

Weaver et al v. Board of Public Instruction of Brevard County

Filed in U.S. District Court on Oct. 13, 1961, on behalf of 59 Negroes to desegregate schools. U.S. District Judge George Young on June 25, 1964, ordered plan submitted, which he later approved in consent order. He withheld ruling on teacher desegregation.

Wright v. Board of Public Instruction of Alachua County

Filed in U.S. District Court July 10, 1964, the same day the board made its first desegregation assignments. On Sept. 23, 1964, U.S. District Judge Harrold Carswell said the board must present a "good faith" plan.

Youngblood et al v. Board of Public Instruction of Bay County

Filed in U.S. District Court in November, 1963, to desegregate schools.

LEGISLATION (21)

1955

House Mem. 594—Memorialized Congress to amend Constitution to permit states to control education, including segregated systems.

Ch. 29746—Granted county school boards authority for pupil assignment and authorized counsel in litigation.

1956

(Extra Session)

SCR17XX—Evoked doctrine of interposition.

Ch. 31380—Established pupil assignment criteria. Amended by *Ch. 428* of 1959 to include wording taken from similar Alabama law, approved "on its face" by federal courts.

Ch. 31389—Conferred additional powers on governor to quell public disturbances.

Ch. 31390—Conferred additional powers on governor to prevent and subdue violence.

Ch. 31391—Provided for selection and dismissal of teachers without regard to prior contractual agreements, on basis of educational, sociological and psychological criteria.

Ch. 31498—Created committee to investigate organizations advocating violence or violation of state laws.

1957

HCR 61—Commended special Fabisinski committee studying ways to preserve public schools.

HCR 174—Invoked doctrine of interposition.

SCR 116—Proposed constitutional amendment to vest U.S. Senate with appellate jurisdiction in U.S. Supreme Court decisions in cases involving jurisdiction of states.

S. Mem. 19X—Urged Congress to censure President's use of troops at Little Rock, Ark.

S. Mem. 530—Proposed amending 10th Amendment to state that maintenance of "harmonious race relations" be included in state's police powers.

Ch. 125—Extended committee created by *Ch. 31498* of 1956.

Ch. 1975—Authorized closing schools when troops used.

1959

Ch. 29—Provided penalties for bombings or bomb threats.

Ch. 113—Regulated establishment of private schools.

Ch. 138—Provided separation of students by sex.

Ch. 412—Amended compulsory attendance law to prevent forced attendance at biracial schools.

Ch. 428—Amended pupil assignment law (*Ch. 31380* of 1956) to incorporate wording taken from similar Alabama law, approved by federal courts.

Ch. 471—Created State Board of Private Education and set standards for private schools.

GEORGIA

Elementary and High Schools

196 Districts: 180 with Negroes and Whites;
11 Desegregated

	White	Negro	Total
Enrollment	752,620	354,850	1,107,740
Teachers	26,139	11,682	37,821

Colleges and Universities

10 Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	18	3	21
Enrollment	45,918	3,913	49,831

Status of Segregation-Desegregation

PUBLIC SCHOOLS

Atlanta, the first district to desegregate, admitted Negroes to four formerly all-white high schools in August, 1961, by federal court order. Houston County officials have announced school desegregation will begin in early 1965. The desegregated districts are:

District	Enrollment White	Enrollment Negro	Negroes w/Whites	Brcl. Schls.	Date Deseg.
Americus	1,675	1,489	4	1	1964-V
Atlanta	59,311*	56,409*	1,144	13	1961-C
Bibb Co.	21,907	13,805	16	3	1964-C
Chatham Co. ...	25,857	16,386	88	7	1963-C
Clarke Co.	6,423	3,404	10	3	1963-V
Dougherty Co. ..	13,500	8,500	40	8	1964-C
Glynn Co.	8,551	3,596	19	3	1963-V
Marietta	4,392	1,375	1	1	1964-V
Muscogee Co. ..	32,308	13,712	3	1	1964-V
Richmond Co. ..	19,778	11,902	10	4	1964-V
Walton Co.	1,896	3,310	2	1	1964-V
TOTALS	195,598	133,888	1,337	45	

*Estimated

TEACHERS

Segregation is maintained.

HIGHER EDUCATION

The University of Georgia was the first to desegregate. In January, 1961, the school admitted two Negroes under court order in *Holmes v. Danner*, briefly suspended them because of disorders on the campus, then readmitted them under court order. In 1959, a U.S. District Court had prohibited consideration on the basis of race for admission to Georgia State College, although the plaintiffs in the case (*Hunt v. Arnold*) were not ordered admitted. Georgia State voluntarily accepted its first Negro student in the summer, 1962. The college enrollments are:

Predominantly White	Enrollment White	Enrollment Negro	Date Deseg.
Abraham Baldwin Agri.	1,024	0	
Armstrong	985	5	1963-V
Augusta	1,274	0	
Brunswick	258	6	1964-V
Columbus	958	1	1963-V
Georgia Military	246	0	
Georgia Southern	2,969	0	
Georgia Southwestern	861	0	
Georgia State	5,681	25*	1962-V
School of Special Studies	360	0	
Georgia Inst. of Tech.	6,914	12	1961-V
Southern Tech	1,177	3	
Medical College of Ga.	383	0	
Allied Medical Sciences	61	0	
School of Nursing	110	0	
Middle Georgia	945	0	
North Georgia	952	0	
South Georgia	750	0	
University of Georgia	12,065	12*	1961-C
Continuing Education Center...	3,620	0	
Valdosta State	1,340	2	1963-V
West Georgia	1,855	1	1963-V
Woman's College of Georgia	1,059	4	1964-V
TOTALS	45,847	71	
Predominantly Negro			
Albany State		1,151	
Columbus Center	0	72	
Ft. Valley State	0	1,411	
Savannah State	0	1,279	1963-V
TOTALS	0	3,913	
STATE TOTALS	45,847	3,984	

*Estimated

FACULTIES

In higher education, all white college and university units have white teachers and Negro units have Negro teachers.

SPECIAL SCHOOLS

Complete segregation is maintained in enrollment and faculties in the state's special schools for blind, deaf, mute, mentally retarded and delinquent children. The following vocational-technical schools have desegregated: DeKalb Area Vocational-Technical School (1963), Dudley-Hughes Vocational School in Macon (1963), Valdosta Area Vocational-Technical School (1964), Coosa Valley Area Vocational-Technical School near Rome (1964), Marietta-Cobb Area Vocational-Technical School (1964), and Albany Area Vocational-Technical School (1964). The Manpower Development Training Program administered by the State Dept. of Education under the Manpower Development and Training Act of 1962, financed 100 per cent by federal funds, has full-time programs, all desegregated, at Atlanta, LaGrange, Columbus, Macon, Athens, Brunswick, Dublin, Albany, Waycross, and Tifton.

LITIGATION (21)

Acree et al v. Richmond County Board of Education et al

Filed June 17, 1964, in U.S. District Court, asking that board be compelled to submit desegregation plan. Board had announced such a plan would be submitted at July, 1964, meeting. Schools desegregated at beginning of 1964-65 term, but plaintiffs objected to three-grade plan.

Aikens v. O'Callaghan

Filed on Oct. 17, 1961, seeking a tuition grant for a private school student. Fulton Superior Court ordered the grant paid, Dec. 22, 1961.

Bivins et al. v. Board of Public Education of Bibb County et al

Filed Aug. 14, 1963, in Middle Georgia District U.S. Court by 44 Negro children and parents seeking desegregation of Bibb County schools. Board of Education plan approved by the District Court on April 27, 1964, and desegregation began in fall, 1964.

Board of Public Education for Bibb County v. Evans et al

Board sought in 1963 to obtain from Bibb County Superior Court ruling on whether board charter would be valid if schools were desegregated. Court ruled that charter section requiring separate schools was unconstitutional, but other sections of charter remained valid.

Calhoun v. Latimer
Stone v. Atlanta Board of Education

Filed Jan. 11, 1958, in U.S. District Court. U.S. District Court ordered desegregation of Atlanta schools May 1, 1961. Court order declaring segregation unconstitutional in Atlanta school system entered July 9, 1958. Final approval of defendants' proposed plan of desegregation given Jan. 20, 1960, with effective date of plan set for May 1, 1961. Desegregation began Sept., 1961. On a separate issue, a white girl, Sandra Melkild, applied for a transfer from a desegregated to a segregated school, and the request was refused by the Atlanta school board but granted on appeal to the State Board of Education. The U.S. District Court on Dec. 12, 1961, enjoined the state board from granting the transfer and the U.S. Fifth Circuit Court of Appeals affirmed on Nov. 16, 1962. On the main issue of Atlanta's desegregation, a group of Negro parents on April 30, 1962, asked the court to stop use of the pupil placement plan and to order complete desegregation. On Nov. 15, 1962, the District Court disapproved the two requests. On Oct. 2, 1963, the U.S. Fifth Circuit Court of Appeals upheld the plan and the pace at which it was proceeding. On May 25, 1964, the U.S. Supreme Court ordered a new hearing on the pace of desegregation in Atlanta. On July 29, 1964, the District Court rejected the plea for a speedup, but later said the ruling applied only to the 1964-65 school year. The court said a motion for further hearings would not be heard until plaintiffs had obtained all information to bolster arguments and had "exhausted discovery."

Emory University et al v. Nash et al

Filed in DeKalb County Superior Court in 1962. The court held that Emory would lose its tax exemption if it admitted Negroes. The Georgia Supreme Court decided on Sept. 14, 1962, that Emory could desegregate without losing its tax-exempt status.

Gaines et al v. Dougherty County Board of Education et al

Filed in U.S. District Court on April 5, 1963, by 19 Negro children seeking desegregation of Dougherty County (Albany) schools. U.S. District Judge J. Robert Elliott on July 13, 1963, ordered a desegregation plan, and on August 28, 1963 approved a plan for desegregation by September, 1964. U.S. Fifth Circuit Court of Appeals on March 20, 1964, ordered desegregation of first two grades and on July 31, 1964, of 12th grade. U.S. Supreme Court Justice Hugo Black denied school board's petition for a stay of appellate court's order requiring desegregation of 12th grade in 1964-65. Desegregation began in fall, 1964.

Gibson et al v. Glynn County Board of Education et al

Filed by seven white students and five parents on August 27, 1963, asking temporary injunction against voluntary desegregation of Glynn County (Brunswick) schools. U.S. District Judge Frank Scarlett granted the injunction, but the U.S. Fifth Circuit Court of Appeals on September 22, 1963, reversed his action and the district desegregated 11th and 12th grades. The U.S. Fifth Circuit Court of Appeals on June 18, 1964, ruled grade-a-year plans no longer acceptable, and ninth and tenth grades also desegregated in fall, 1964.

Harris et al v. Glynn County Board of Education et al

Filed by six Negro students on Aug. 31, 1963, asking U.S. District Court intervention in *Gibson* injunction suit (above). Court ordered board to submit desegregation plan. On September 12, 1963, U.S. Fifth Circuit Court of Appeals reversed district court's injunction and district desegregated.

Holmes v. Danner

Initial complaint filed August, 1960. U.S. District Court ordered desegregation of University of Georgia Jan. 6, 1961.

Hunt v. Arnold

Filed in U.S. District Court on Sept. 28, 1956. U.S. District Court issued an order against further discrimination on basis of race for admission at Georgia State College of Business Administration in 1959, although plaintiffs in this particular case were not ordered admitted.

Jean et al v. Cook et al

Filed in U.S. District Court in 1950 by Negro children seeking to desegregate Atlanta schools. Case never brought to trial, and dismissed in May, 1956.

Johnson et al v. Georgia State Board for Vocational Education et al

Filed on October 2, 1963, by two Negroes seeking desegregation of Coosa Valley Vocational School near Rome. On same day, school director announced desegregation would be in effect in September, 1964. U.S. District Court issued a consent order in December, 1963, and desegregation began in March, 1964.

Lockett et al v. Board of Education of Muscogee County et al

Filed in U.S. District Court, Jan. 13, 1964, by three Negroes asking general desegregation by Jan. 27, 1964. U.S. District Court on April 22, 1964, denied plea of Negroes and upheld board's gradual desegregation plan scheduled to begin with 1964-65 term.

NAACP v. Pye

Sought to appeal contempt citation against organization. Pending.

Peters v. Boggs

Filed in state court in the summer, 1961, seeking to prohibit the use of public funds by four desegregated Atlanta high schools. State Supreme Court threw out the case on Nov. 21, 1961.

Richmond County Board of Education petition

The board petitioned Superior Court in 1964 for clarification of the separate-schools clause in its enabling act. Judge C. Wesley Killebrew in 1964 ruled in effect that the portions of the act were unconstitutional.

Stell v. McCormac

Filed Jan. 18, 1962, in U.S. District Court to desegregate the schools in Chatham County (Savannah). Parents of 36 Negro children sought to enjoin the board from operating a compulsory dual school system, assigning teachers and pupils by race, and approving budgets designed to perpetuate separate schools. On March 29, 1963, U.S. District Judge Frank M. Scarlett permitted intervention in the suit by a group of white parents who questioned the U.S. Supreme Court's 1954 decision and contended that desegregation would cause psychological damage to white students forced to attend schools with Negroes. On May 13, 1963, Judge Scarlett refused the desegregation injunction. The U.S. Fifth Circuit Court of Appeal on May 24, 1963, rebuked Scarlett and ordered a desegregation plan by July to begin in September. The District Court approved a grade-a-year plan starting with the 12th grade. On June 18, 1964, the U.S. Fifth Circuit Court of Appeals held grade-a-year plans no longer were acceptable and set minimum standards for a five-year plan. The court also re-affirmed its rejection of a petition by white parents for classification of students on the basis of educational aptitudes because the difference in aptitude also was a racial characteristic.

Stone v. Atlanta Board of Education (See *Calhoun v. Latimer*)

Ward v. University System Board of Regents

Filed June 23, 1952, in U.S. District Court. Admission to University of Georgia denied by U.S. District Court in 1957 on grounds that plaintiff did not pursue all administrative remedies.

Williams v. NAACP

Fulton Superior Court in 1957 cited NAACP for contempt for denying access to records. Georgia Court of Appeals in 1957 ruled against NAACP bill of exceptions.

LEGISLATION (50)

1953

Act 97—Established Georgia Commission on Education to study ways to maintain racially separate education. Amended by *Act 37* of 1955, *Acts 15* and *16* of 1957, and *Acts 2* and *11* of 1959.

Act 156—Proposed state amendment authorizing tuition grants. Adopted in 1954 general election.

1955

Act 2—Urged constitutional amendment giving states sole power over schools.

Act 6—Urged constitutional amendment denying federal authority over schools.

Act 37—Amended *Act 97* of 1953 to direct Commission on Education to report to each legislative session.

Act 82—Forbade state or local funds for schools expecting to desegregate. Repealed in 1961.

1956

Act 11—Provided tuition grants and allowed closing of schools. Repealed in 1961.

Act 12—Forbade trespassing on closed school property.

Act 13—Permitted lease of school property for private schools.

Act 14—Authorized School Building Authority to sublease facilities for private schools.

Act 15—Extended retirement benefits to teachers in non-public schools.

Act 16—Required fire inspection of private schools.

Act 130—Stated doctrine of interposition.

Act 148—Urged other states to oppose federal aid.

Act 197—Forfeited retirement benefits of officers failing to enforce school segregation. Not specifically repealed by 1961 legislature but considered made invalid.

Act 383—Defined duties of state law officers regarding school segregation laws. Not specifically repealed by 1961 legislature but considered made invalid.

Act 454—Included in General Appropriations Act a provision withholding funds from desegregated schools.

1957

Act 7—Protected retirement benefits of teachers transferring to private schools. Not specifically repealed by 1961 legislature but considered made invalid.

Act 15—Authorized Georgia Education Commission to air pro-segregation views.

Act 16—Permitted Georgia Education Commission to hold hearings, subpoena witnesses, etc.

Act 36—Commended Atlanta Teachers Association for rejecting desegregation request.

Act 45—Memorialized Congress to declare invalid the 14th and 15th Amendments to the U.S. Constitution.

Act 60—Gave governor extraordinary powers to suppress violence.

Act 100—Asked impeachment of six U.S. Justices.

Act 139—Authorized governor to suspend compulsory school attendance laws. Modified in 1958 by *Act 289*.

Act 514—Redefined barratry law. Repealed by *Act 910*, 1960.

1958

Act 6—Censured President's use of troops at Little Rock, Ark.

Act 18—Created joint committee to investigate need for further laws on barratry.

Act 289—Empowered governor to suspend compulsory school attendance law. Amended *Act 139* of 1957.

1959

Act 2—Created Governor's Commission on Constitutional Government.

Act 3—Allowed state income tax credits for private schools under certain conditions.

Act 7—Permitted governor to close single school in a system ordered to desegregate. Repealed in 1961.

Act 8—Authorized governor to close state colleges and universities if necessary to preserve order.

Act 9—Allowed special legal counsel for state expenses in school cases.

Act 10—Set age limit of 21 years for initial enrollment for undergraduate studies at state colleges and universities, and 25 years for graduate work. Legislature repealed in 1961 but Gov. Ernest Vandiver vetoed the repeal. In 1962, the legislature passed *Act 847* to repeal the law and Gov. Vandiver signed the bill.

Act 11—Abolished Georgia Commission on Education (replaced by new commission under *Act* 2).

Act 45—Memorialized Congress to amend Constitution to give states control of education.

Act 212—Banned use of ad valorem taxes for desegregated schools. Repealed in 1961.

Act 382—Assured pay of teachers if public schools closed.

1960

HR 360—Created school study (Sibley) commission to test public sentiment on desegregation and report back to legislature.

Act 504—Prohibited levying taxes for desegregated schools and authorized taxes for payment of debts contracted prior to change. Repealed in 1961.

Act 910—Stiffened penalties for barratry and repealed *Act 514*, 1957.

1961

SR 51—Established an Educational Rights Commission.

HR 69-174—Proposed a constitutional amendment to preserve freedom from compulsory association at all levels of public education. Adopted in November, 1962, general election.

Act 13—Set up local option procedures for closing and reopening public schools in desegregation crises.

Act 14—Provided grants of state and local funds for children from 6 to 19 years of age who choose private rather than public schools. Amended by *Act 870*, 1962, and *Act 418*, 1963.

Act 15—Revised procedures on appeals from local boards on pupil placement.

1962

Act 847—Repealed *Act 10* of 1959.

Act 870—Amended *Act 14* of 1961, specifically describing the procedure for requesting and receiving grants of state and local tuition grants. Provided that the State Board of Education prescribe regulations for implementation of the act.

1963

Act 418—Amended tuition grant law (*Act 14*, 1961) to place burden on local officials for determining need of grants and provided that part of grant must be from local funds.

KENTUCKY

Elementary and High Schools

204 Districts: 165 With Negroes and Whites;
164 Desegregated

	White	Negro	Total
Enrollment*	620,000	56,000	676,000
Teachers*	25,400	1,600	27,000

*Estimated

Colleges and Universities

All Eight Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	7	1	8
Enrollment*	36,702	924	37,626

*1963-4

Status of Segregation-Desegregation

PUBLIC SCHOOLS

Desegregation began June 6, 1955, when a Negro girl entered a summer school in Fayette County. On July 18, 1955, six Negro children entered Wayne County's Griffin School. By October, 1955, 30 other districts had voluntarily desegregated. The voluntary and peaceful desegregation of all grades in the Louisville public schools in September, 1956, won national and international recognition. Desegregation in the state has been spurred in some cases by lawsuits and, since 1962-63, by persuasion from the State Department of Education. Data available in the fall, 1964, indicated that of the 165 districts with both Negro and white pupils enrolled, 164 had desegregated. Nine acted by court order and the remainder desegregated voluntarily. All but two of the desegregated districts actually have Negroes attending schools with whites. Those few Negro pupils in Greenup County and Cloverport attend desegregated schools in other districts. Graves County is the only biracial district reported to have no known plan for desegregation. Several other districts now having all-white enrollments, previously have been desegregated when they had Negro students. The desegregated districts have a total enrollment of about 540,000 whites and 55,900 Negroes, with about 35,000 of these Negroes in schools with whites. The desegregated districts are:

County Districts (101)

Adair
Allen
Anderson
Ballard
Barren
Bath
Bell
Boone
Bourbon
Boyle
Bracken
Breathitt
Breckinridge
Bullitt
Butler
Caldwell
Calloway
Carlisle
Carroll
Carter
Casey
Christian
Clark
Clay
Clinton
Crittenden
Cumberland
Daviess
Edmondson
Fayette
Fleming
Floyd
Franklin
Fulton
Gallatin
Garrard
Grant
Green
Greenup (policy)
Hancock
Hardin
Harlan
Harrison
Hart
Henderson
Henry
Hickman
Hopkins
Jefferson
Jessamine
Kenton
Knott
Knox
LaRue
Laurel
Lawrence
Lee
Letcher
Lewis
Lincoln
Livingston
Logan
Lyon
McCracken
McLean
Madison
Marion
Mason
Meade
Mercer
Metcalfe
Monroe
Montgomery
Morgan
Muhlenberg
Nelson
Nicholas
Ohio
Oldham
Owen
Pendleton
Perry
Pike
Powell
Pulaski
Robertson
Rowan
Russell
Scott
Shelby
Simpson
Spencer
Taylor
Todd
Trigg
Union
Warren
Washington
Wayne
Webster
Woodford

City Districts (63)

Ashland
Augusta
Barbourville
Bardstown
Berea
Bowling Green
Burgin
Campbellsville
Carrollton
Caverna
Central City
Cloverport (policy)
Covington
Danville
Earlington
East Bernstadt
Elizabethtown
Eminence
Erlanger-Elsmere
Falmouth
Ferguson
Frankfort
Fulton
Georgetown
Glasgow
Greenup
Greenville
Harlan
Harrodsburg
Hazard
Henderson
Hopkinsville
Irvine
Jackson
Jenkins
Leitchfield
Lexington
Liberty
London
Louisville
Lynch
Mayfield
Maysville
Middlesboro
Monticello
Mt. Sterling
Murray
Newport
Owensboro
Paducah
Paris
Pikeville
Pineville
Providence
Richmond
Russellville
Scottsville
Shelbyville
Somerset
Stanford
Walton-Verona
West Point
Williamsburg

TEACHERS

In 1954-5, there were 1,279 teachers in the 312 Negro-only schools, putting the proportion of Negro teachers at about 6.4 percent of a total professional staff of about 20,000 By 1963-64 the total staff had grown to 26,523. The number of Negro teachers increased less proportionately, to 1,502 or 5.7 percent of the total. Of the Negro teachers, 507 were in desegregated schools and about 995 in some 129 remaining Negro-only schools. The State Commission on Human Rights reported in 1962 that biracial faculties were increasing and were said to be working well. However, the commission concluded that the employment outlook for Negro teachers was not bright because many superintendents, even those expressing satisfaction with Negroes serving on biracial faculties, did not plan to hire more Negroes. In 1957, the Kentucky Teachers Association, a Negro group, merged with the Kentucky Education Association.

HIGHER EDUCATION

All eight tax-supported colleges and universities are desegregated in practice. Only the University of Kentucky and Paducah Junior College desegregated under court order. The university first admitted Negroes to the graduate schools in June, 1949. The school's undergraduate divisions were opened to Negroes voluntarily in 1954. All the university community colleges have biracial enrollments. In April and May, 1963, the university Board of Athletics made Negroes eligible to play on intercollegiate teams. (The school is a Southeastern Conference member.) Paducah Junior College accepted Negroes under court order in June, 1953. The following table includes 1963-64 enrollments. Racial breakdowns were estimated by school officials except for Murray State, where the estimate of Negroes was based on a 1960-61 figure of 75 given by school officials.

	Enrollment		Date
Predominantly White	White	Negro	Deseg.
Eastern Ky. State	4,675	40	1956-V
Morehead State	3,209	29	1956-V
Murray State	3,829	100	1955-V
Paducah Junior	771	20	1953-C
Univ. of Ky.			
Lexington	9,107	125	1949-C
Ashland	372	5	
Covington	624	2	
Cumberland	181	12	
Fort Knox	245	15	
Henderson	279	5	
Univ. of Louisville	6,845	280	1950-V
Western Ky. State	5,836	96	1956-V
TOTALS	35,973	729	
Predominantly Negro			
Ky. State	110*	814	1954-V
STATE TOTALS	36,083	1,543	

*Many, but not all, white students at Kentucky State attend the evening school operated jointly by the school and the University of Kentucky.

FACULTIES

Among tax-supported institutions, only the University of Louisville and the predominantly Negro Kentucky State College in 1963-64 had both white and Negro faculty members. The university reported three Negroes on a total faculty of 935; Kentucky State reported four whites on a total faculty of 55.

SPECIAL SCHOOLS

Thirteen state-supported vocational schools are open to Negroes. On March 6, 1963, the State Board of Business Schools adopted an anti-discrimination regulation aimed at opening all business schools in the state to Negroes. In September, 1961, the state accepted five Negroes at the previously all-white Kentucky Children's Home at Lyndon. In the past, the state had provided care for dependent Negro children in foster homes.

LITIGATION (19)

Cunningham v. House

Madison

Filed on July 26, 1962, in U.S. District Court. Court ordered 11 Negro children admitted to a Madison County grade school in 1962 and gave the Board of Education one year to complete grade-school desegregation. (High-school level already was desegregated.)

Dishman v. Archer

Scott

Filed in U.S. District Court in 1956. Court ordered Scott County schools desegregated.

Garnett et al v. Oakley

Union

Filed in U.S. District Court in 1956. Court ordered Union County schools desegregated, rejecting plan of gradual desegregation.

Gordon et al v. Collins et al

Webster

Filed in U.S. District Court in 1956. Court ordered Webster County schools desegregated.

Grimes et al v. Smith

Owen

Filed in U.S. District Court in 1957. Court ordered Owen County schools desegregated.

Grubbs v. Chandler

Failed to get mandamus to enforce school segregation laws.

Johnson v. Board of Trustees

The University of Kentucky was ordered by U.S. District Court on April 27, 1949, to open its graduate schools to Negroes.

Lawrence v. Bowling Green Board of Education

Filed in U.S. District Court on Jan. 9, 1963, to desegregate students, staff and teachers. District Judge Max Swinford on April 8, 1963, ordered desegregation of all grade levels in September, 1963, and ordered staff and teacher desegregation.

Mack v. Frankfort Board of Education

Filed in U.S. District Court on Sept. 21, 1962, seeking to speedup desegregation. District Judge H. Church Ford ordered board to submit plan for desegregation of elementary schools and of faculty. On July 3, 1963, after rejecting two plans in June, the court approved one calling for immediate desegregation at all levels without transfer options.

Mason v. Jessamine County Board of Education

Filed in U.S. District Court on Sept. 19, 1962, seeking desegregation of students and personnel. District Judge H. Church Ford on Jan. 29, 1963, ordered board to submit plan for intial desegregation of all grades and faculty. On July 16, 1963, after having rejected a plan containing an optional transfer provision, the court approved a revised plan, which began in September, 1963.

Mitchell et al v. Pollock

Filed in U.S. District Court in 1956. Court ordered desegregation of Hopkins County schools, overruling plan of gradual desegregation.

Ray v. Matheson

Filed in U.S. District Court in 1950. Court ordered desegregation of Paducah Junior College.

Rimbert v. Knott County Board of Education

Filed in U.S. District Court on Aug. 6, 1963, seeking further desegregation. On Sept. 11, 1963, District Judge Mac Swinford ordered an immediate end to all segregation.

Senters et al v. Mayfield Board of Education

Filed in U.S. District Court in September, 1962, by four Negro couples asking desegregation of elementary grades. (The high school already was desegregated.) On Oct. 31, 1962, Judge Roy M. Shelbourne ordered the board to submit a plan for elementary school desegregation. The plan was accepted and the board was permanently enjoined from maintaining segregated schools.

Walker v. Richmond Board of Education

Filed in U.S. District Court on May 17, 1962, for elementary and junior-high student desegregation. (High school already was desegregated.) The suit also asked faculty desegregation. District Judge H. Church Ford on June 13, 1963, ordered the board to submit a plan for student and faculty desegregation. One plan was rejected and on July 23, 1963, another plan was given only tentative approval because the plaintiffs said a transfer option, even though avowedly non-racial, might perpetuate segregation.

White et al v. Singleton et al

Filed in U.S. District Court in 1960. Court in 1961 ordered all Knox County schools desegregated.

Wilburn v. Holland

Filed in U.S. District Court in 1956. Court ordered McCracken County schools desegregated.

Willis v. Walker

Filed in U.S. District Court in September, 1955, to desegregate Adair County public schools. In November, 1955, a three-judge federal district court ruled that no constitutional issue was involved, since the defendants granted the unconstitutionality of Kentucky's Day Law. In December, 1955, U.S. District Judge Mac Swinford, who had dissented in the earlier ruling, ordered desegregation to begin in February, 1956, at the county high school, and in fall, 1956, at the elementary schools.

Wilson v. Matheson

Filed in U.S. District Court in 1949. Resulted in declaratory judgment that qualified Negroes had right to attend Paducah Junior College.

LEGISLATION (10)

1950

SB 100—Permitted boards and trustees of public and private educational institutions to admit Negro students for courses not available at existing institutions for Negroes.

1960

KRS 19.010—Defined discrimination as any unfair treatment based on race or national ancestry.

KRS 19.020—Created State Commission on Human Rights.

KRS 19.040—Defined powers and duties of human rights commission.

KRS 19.050—Specified that human rights commission created only as a forum for minority groups, not to have authority to make rules or regulations except for its own internal organization, nor to execute any laws.

1962

KRS 82.210—Authorized city legislative bodies to forbid racial discrimination.

KRS 82.220—Authorized cities to establish local commissions on human rights.

KRS 82.230—Specified authority of city commissions.

KRS 82.240—Authorized city commissions to make rules and regulations for internal organization.

KRS 82.250—Specified that nothing in *82.230* shall limit cities' powers to provide penal sanction for violation of anti-discrimination ordinances.

EXECUTIVE ACTION

Gov. Bert T. Combs on June 26, 1963, issued an executive order banning racial discrimination by firms and professions licensed by the state. He speculated that the order might be used against school districts practicing racial segregation. No attempt was made to enforce the order pending a court determination of its legality. Gov. Edward Breathitt kept a campaign pledge and revoked the order after the 1964 General Assembly failed to pass a proposed civil rights bill. On Nov. 19, 1964, Gov. Breathitt reissued a similar fair practices code.

Analysis of Region Desegregation

	First Desegregation		Desegregated Districts					Desegregated Colleges and Universities				
	Grades 1-12	Colleges	Total	Practice	Policy	Court-Ord.	Vol.	Total	Practice	Policy	Court-Ord.	Vol.
Alabama	1963-C	1956-C	8	8	0	8	0	4	3	1	3	1
Arkansas	1954-V	1948-V	24	23	1	3	21	8**	6	2	0	8
Florida	1959-V	1958-C	21	21	0	6	15	16	13	3	1	15
Georgia	1961-C	1961-C	11	11	0	4	7	10	9	1	1	9
Louisiana	1960-C	1950-C	3	3	0	3	0	8	8	0	8	0
Mississippi	1964-C	1962-C	4	3	1	4	0	1	1	0	1	0
North Carolina	1957-V	1951-C	84	84	0	7	77	17**	16	1	1	16
South Carolina	1963-C	1963-C	16	16	0	5	11	4	4	0	2	2
Tennessee	1955-V	1952-C	61	56	5	13	48	7**	7	0	2	5
Texas	1953-V	1950-C	291	266*	25*	13	278	51	48	3	9	42
Virginia	1959-C	1950-C	81	80	1	21	60	17	16	1	1	16
SOUTH			604	571	33	87	517	143	131	12	29	114
Delaware	1953-V	1948-V	43**	43	0	34	9	2**	2	0	0	2
Dist. of Columbia	1954-C	1954-V	1**	1	0	1	0	1**	1	0	0	1
Kentucky	1955-V	1949-C	164	162	2	9	155	8**	8	0	2	6
Maryland	1952-V	1867-V	23**	23	0	0	23	20**	19	1	1	19
Missouri	1954-V	1950-C	203*	203*	0	0	203*	15**	14	1	1	14
Oklahoma	1955-V	1948-C	200	193	7	4	196	23**	17	6	1	22
West Virginia	1954-V	1938-V	44**	44	0	5	39	11**	10	1	0	11
BORDER			678	669	9	53	625	80**	71	9	5	75
REGION			1,282	1,240	42	140	1,142	223	202	21	34	189

*Estimated

**All desegregated

LOUISIANA

Elementary and High Schools

67 Districts: 67 With Negroes and Whites;

Three Desegregated

	White	Negro	Total
Enrollment*	489,000	321,000	810,000
Teachers*	19,987	11,213	31,200

*Estimated

Colleges and Universities

Eight Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	10	3	13
Enrollment	52,284	10,973	63,257

Status of Segregation-Desegregation

PUBLIC SCHOOLS

Orleans Parish (New Orleans), the first district to desegregate, began with a grade-a-year plan in November, 1960, by order of federal court. The admission of the Negroes was accompanied by protest demonstrations by whites and a series of delay attempts by state officials and the legislature. Iberville Parish has filed a plan to begin grade-a-year desegregation in 1965. The desegregated districts are:

Parish	Enrollment White	Enrollment Negro	Negroes w/Whites	Brcl. Schls.	Date Deseg.
E. Baton Rouge	21,950	21,110	58	4	1963-C
Orleans	38,923	63,270	3,520*	31	1960-C
St. Helena	1,012	1,868	3	1	1964-C
TOTALS	61,885	86,248	3,581	36	

*Includes 2,711 Negroes in two Negro schools that have enrolled one white pupil each.

TEACHERS

Teaching staffs remain completely segregated.

HIGHER EDUCATION

Louisiana State University at Baton Rouge began admitting Negroes to its graduate divisions in 1950, by court order in *Wilson v. LSU Board of Supervisors.* Enrollments at the colleges and universities are:

Predominantly White	Enrollment* White	Enrollment* Negro	Date Deseg.
Louisiana State University			
Main Campus	15,031	100	1950-C
Medical & Nursing	629	0	
LSU, Alexandria	618	0	
LSU, New Orleans	5,246	518	1958-C
La. Polytechnic Institute	5,238	0	
McNeese State College	3,162	198	1954-C
Nicholls State College	1,997	63	1963-C
Northeast La. State College.....	4,220	9	1964-C
Northwestern State	4,270	0	
Southeastern La. State	4,039	34	1954-C
Univ. of Southwestern La.......	6,656	256	1954-C
TOTALS	51,106	1,178	
Predominantly Negro			
Grambling	0	3,634	
Southern Univ., Baton Rouge...	0	6,039	
Southern Univ., New Orleans...	1	1,299	1964-C
TOTALS	1	10,972	
STATE TOTALS	51,107	12,150	

*Estimated

FACULTIES

Teaching staffs remain segregated.

SPECIAL SCHOOLS

Louisiana operates 23 trade and vocational schools for whites and four for Negroes. Another trade school, largely supported by the state, is operated by an independent board. Federal district courts have ordered desegregation of six of the all-white schools, and in response to court orders the State Board of Education on Sept. 18, 1962, directed that applications be processed without regard to race. Several Negroes have attended certain classes at the Sowela Technical Institute in Lake Charles.

ETHNIC GROUPS

In Terrebonne Parish, certain schools (four elementary, one high school) have been designated for children of Indian descent. U.S. District Court, on Aug. 28, 1963, enjoined the school board from denying the Indian children admission to all white schools and ordered enrollment of Indian children immediately in the 11th and 12th grades. (See *Naquin v. Terrebonne Parish School Board.*)

LITIGATION (45)

Allen et al v. State Board of Education

Shreveport trade school, state-supported, ordered to desegregate "with all deliberate speed" by U.S. District Court in 1960. U.S. Fifth Circuit Court of Appeals upheld decision in February, 1961. U.S. Supreme Court declined to review. No date set for desegregation.

Anderson v. LSU Board of Supervisors in U.S. District Court

Filed May 25, 1964, by seven Negroes seeking entry to undergraduate division of main campus in Baton Rouge. Judge E. Gordon West on June 7, 1964, ordered Negro undergraduates admitted.

Angel et al v. State Board of Education

Five state trade schools ordered to desegregate "with all deliberate speed" by U.S. District Court in 1960. U.S. Fifth Circuit Court of Appeals upheld decision in February, 1961. U.S. Supreme Court declined to review. Schools affected are at Crowley, Natchitoches, Opelousas, Greenburg and Lake Charles. Ten state education officials were relieved of threatened contempt citations Sept. 19, 1962, after the State Board of Education announced a policy of non-discrimination in processing applications. In June, 1963, U.S. Department of Justice again asked that Rex Smelser, director of Sowela Technical Institute at Lake Charles, be cited for contempt. U.S. District Court jury on Nov. 22, 1963, acquitted Smelser of contempt charges.

Baker v. State Board of Education

Filed Sept. 9, 1963, in U.S. District Court on behalf of eight Negro plaintiffs. Judge Robert Ainsworth, Jr., on Sept. 17, 1963, enjoined state from discriminating against Negroes for enrollment at Francis T. Nicholls State College and ordered plaintiffs admitted. School complied but on Oct. 23, 1964, appealed to U.S. Fifth Circuit Court of Appeals.

*Bailey v. State Board of Education**

Louisiana law requiring certificates of good moral character for admission to University of Southwestern Louisiana (formerly SLI) declared invalid by U.S. District Court in 1956.

Barthe v. City of New Orleans

Three-judge U.S. District Court in July, 1963, ordered desegregation of recreational facilities operated by New Orleans Recreation Department, some of which are used in school athletic programs. Appeal taken to U.S. Fifth Circuit Court of Appeals to determine jurisdiction of the constitutional court and to the U.S. Supreme Court on the facts of the case.

Booker v. Calcasieu Parish School Board

Filed Feb. 3, 1964, in U.S. District Court, by parents of eight Negro children asking desegregation of parish schools.

Bush v. Orleans Parish School Board
U.S. v. Louisiana
Williams v. Davis

Class action filed in U.S. District Court in 1955 to desegregate public schools of New Orleans. On Feb. 15, 1956, three-judge court held that it lacked jurisdiction because U.S. Supreme Court decision of 1954 already had decided constitutionality of Louisiana segregation laws; Judge J. Skelly Wright then ordered desegregation "with all deliberate speed." U.S. Supreme Court declined to review. U.S Fifth Circuit Court on March 1, 1957, upheld Wright, holding that plaintiffs would not be required to exhaust administrative remedies that would not result in the relief requested. U.S. Supreme Court declined to review. On July 15, 1959, Judge Wright ordered a desegregation plan by March 1, 1960, but later changed this to May 16, 1960. On that day, the board informed the court it had no plan, and the judge provided his own grade-a-year plan, to begin with the first grade in September, 1960. A state court judge granted an injunction forbidding the board to reclassify the schools and on Aug. 18, 1960, Gov. Jimmie H. Davis announced he was taking over the parish schools. On Aug. 27, a three-judge federal court enjoined the governor, the state judge and other officials from interfering with the desegregation. The court also declared unconstitutional *Acts 555* of 1954, *319* of 1956, *256* of 1958, and *333*, *542*, *495* and *496* of 1960. And the state attorney general, Jack P. F. Gremillion, was cited for contempt. On Aug. 31, 1960, the district court granted the school board permission to delay desegregation until Nov. 14. The district court, on Nov. 10, granted a temporary injunction against the parish school board, the governor and other state officials. On Nov. 13 the court issued a restraining order cancelling the school holiday declared by the state superintendent of education. Two parish schools desegregated on Nov. 14, 1960, accompanied by numerous white protests and student boycotts. On the same day the district court issued another restraining order against state officials, including the legislature. The district court on Nov. 25, 1960, permitted the U.S. attorney general to enter the suit. The three-judge court on Nov. 30 declared unconstitutional 23 acts of the legislature's 1960 first extraordinary session. This included *Act 2* on interposition, which the court said was not a "constitutional doctrine" but was "illegal defiance of constitutional authority." The U.S. Supreme Court upheld the circuit court on Dec. 12, 1960. On Dec. 21, 1960, the three-judge court declared unconstitutional *HCR 2, 23* and *28* and *Act 2* of the 1960 second extraordinary session, and again enjoined state officials from interference. The three-judge court enjoined enforcement of other acts: on March 3, 1961—*Act 5* of 1960 second session, *Act 4* and *SCR 7* of 1960 third session; on May 4, 1961 — *Acts 3* and *5* of 1961 second session. On April 3, 1962, U.S. District Judge J. Skelly Wright ordered all elementary grades desegregated and stopped use of the pupil placement program as long as a dual school system existed. Judge Frank Ellis, Wright's successor, on May 23, 1962, modified the order and directed a full grade-a-year desegregation program to begin in September, 1962, but Ellis affirmed the ban on pupil placement provisions. On Aug. 6, 1962, the U.S. Fifth Circuit Court of Appeals ordered a compromise between the two District Court rulings: Desegregation of the first three grades in 1962; abolition of dual districts in grades one and two in 1963, and through the fifth grade in 1964; application of the pupil placement law only without regard to race. On April 26, 1963, District Judge Ellis ordered the school board to register first and second grade pupils for 1963-64 on basis of single, non-racial zones. On May 17, 1963, the court approved the re-zoning plan offered by the board and ordered desegregation of a high school for superior students. On Aug. 12, 1964, District Court ordered desegregation of kindergartens.

Combre et al v. McNeese State College
McNeese ordered to admit Negroes in September, 1954, by U.S. District Court.

Conley v. Lake Charles School Board
Filed Feb. 3, 1964, in U.S. District Court, asking defendants to submit plans for desegregation.

Constantine et al v. Southwestern Louisiana Institute
SLI, now the University of Southwestern Louisiana, was ordered to admit Negroes in September, 1954, by U.S. District Court.

Dandridge v. Jefferson Parish School Board
Filed in July, 1964, in U.S. District Court. Judge Herbert Christenberry held hearing and took case under advisement on Aug. 10, 1964, saying "the ultimate result is inevitable."

Davis v. East Baton Rouge Parish School Board
U.S. District Court in 1960 ordered desegregation "with all deliberate speed." U.S. Fifth Circuit Court of Appeals affirmed decision in February, 1961, and U.S. Supreme Court refused to review. On March 1, 1963, District Court ordered school board to present a plan of desegregation by July 5. On July 17, 1963, the court approved the grade-a-year desegregation plan offered by the parish school board, and it began in September, 1963.

Dorsey v. Louisiana State Athletic Commission
U.S. Supreme Court, in 1959 upheld U.S. District Court decision that declared invalid the sports segregation law (*Act 579* of 1956) prohibiting whites and Negroes from competing with one another in athletic contests.

Fleming et al v. LSU Board of Supervisors et al
U.S. District Court enjoined board and LSU officials from denying Negroes admission to LSU, New Orleans. U.S. Fifth Circuit Court of Appeals on April 23, 1959, rejected board's contention that it was a special state agency and could not be sued. Court held that agents of state using state power unconstitutionally cease to represent the state and may be enjoined, and that plaintiffs were not required to exhaust administrative remedies because the law does not compel the doing of a useless thing.

Guillory et al v. Administrators, Tulane Education Fund
Filed in U.S. District Court by two Negro women seeking to enter graduate division. Judge J. Skelly Wright on March 28, 1962, in a summary judgment, ordered Tulane desegregated on the grounds that the private institution received state tax benefits. Wright's successor, Judge Frank Ellis, on May 7, 1962, set aside the order and scheduled the case for trial. The U.S. Fifth Circuit Court of Appeals affirmed Ellis's ruling on July 21, 1962. On Dec. 5, 1962, Judge Ellis ruled that Tulane is a private institution without sufficient governmental involvement to bring it under the scope of the 14th Amendment. But, he said, the restrictive clauses in the university's endowments were unenforceable in law and the institution could desegregate voluntarily. An appeal by the plaintiffs was dismissed and Tulane voluntarily accepted them in February, 1963.

Hall v. St. Helena Parish School Board
The suit was filed in 1952. U.S. District Court in 1960 ordered schools to desegregate "with all deliberate speed" and the U.S. Fifth Circuit Court of Appeals upheld ruling in February, 1961. The U.S. Supreme Court declined to review. On Aug. 30, 1961, three-judge federal court invalidated *Act 2* of the second extraordinary legislative session, 1961, which permitted local option school closings. U.S. Supreme Court declined to review on Feb. 19, 1962. On March 6, 1964, U.S. District Judge E. Gordon West refused to set a definite date for desegregation. The U.S. Fifth Circuit Court of Appeals on July 10

issued a mandamus directing Judge West to devise a three-stage desegregation plan to begin when schools opened, and the court sharply criticized the judge as having shirked his responsibility. On July 13, Judge West ordered the board to submit a plan, but the board refused and requested referral of the case to the new U.S. Community Relations Service. The federal agency conducted an investigation but before recommendations could be made, Judge West on Aug. 6, 1964, ordered 11th and 12th grades desegregated when schools opened later that month, with two grades to be added each year.

Harris et al v. St. John

Filed March 1, 1963, in U.S. District Court, on behalf of 277 Negro plaintiffs. On Oct. 9, 1964, plaintiffs filed a plan for complete desegregation beginning in 1965-66, and Judge Robert A. Ainsworth gave the defendant board 30 days to object or submit their own plan.

Harvin et al v. Hall et al

Whites petitioned to intervene in *Hall v. St. Helena Parish* on grounds that as school patrons they would be bound by decision. Both U.S. District and Fifth Circuit Courts refused request in 1961.

Henley v. LSU Board of Supervisors

U.S. District Court ordered Louisiana State University in New Orleans, a branch of LSU of Baton Rouge, to admit Negroes in September, 1958, when it opened.

Klein v. Louisiana Financial Assistance Commission

Filed in March, 1963, in U.S. District Court, attacking the constitutionality of the state grant-in-aid program. Withdrawn by the plaintiff on April 10, 1963.

Lark v. State Board of Education*

Louisiana law requiring certificates of good moral character for admission to Southeastern Louisiana College declared invalid by U.S. District Court in 1956.

LeLong v. Sutherland

Taxpayer filed suit in state district court to remove Orleans Parish school board as required by *Act 4* of 1960 Third Extra Session. District court denied injunction on grounds that board's removal would force closure of parish school. State Fourth Circuit Court of Appeals on Nov. 7, 1961, held taxpayer lacked authority to challenge board's authority, and State Supreme Court affirmed on Nov. 29, 1961, on grounds that federal court had ruled *Act 4* unconstitutional.

Louisiana ex rel LeBlanc v. Lewis

Nineteenth Judicial District Court of Louisiana in April, 1956, enjoined NAACP operations in the state. The decision was upheld by the U.S. Supreme Court in April, 1961.

Ludley v. LSU Board of Supervisors*

Louisiana law requiring certificates of good moral character for admission to LSU declared invalid by U.S. District Court in 1956.

McCoy v. State Board of Education

Filed Jan. 15, 1964, in U.S. District Court, asking immediate enrollment of Negro plaintiff at Northeast Louisiana State College. Dismissed May 18, 1964, insofar as board was named defendant, and the plaintiff was allowed 60 days to amend the petition by naming individual board members. On June 5, 1964, U.S. Fifth Circuit Court of Appeals granted the injunction sought and directed Judge E. Gordon West to issue the appropriate orders, which he did on June 10, 1964.

Morial v. Orleans Parish School Board

Filed, Aug. 30, 1963, in U.S. District Court to attack the constitutionality of *Act 252* of 1956, which prohibits New Orleans public school teachers from advocating desegregation or belonging to organizations that advocate desegregation. Request for a three-judge court to hear the case has been denied. (See *Ludley v. LSU Board of Supervisors*).

Naquin et al v. Terrebonne Parish School Board

Filed in U.S. District Court March 29, 1963, on behalf of 56 Indian children. District Judge Herbert W. Christenberry on Aug. 28, 1963, enjoined school board from denying plaintiffs equal access to white schools, ordered them admitted immediately to 11th and 12th grades, ordered a study of feasibility of admitting them to the 10th grade within a month, and ordered school board to prepare a plan to desegregate white and Indian schools in all remaining grades by Aug. 1, 1964. The board complied.

NAACP et al v. Martin et al
State of Louisiana et al v. NAACP et al

Three-judge U.S. District Court combined cases testing constitutionality of 1924 Ku Klux Klan law requiring organizations to file membership lists, and *Act 260* of 1958 requiring organizations to file affidavit attesting that none of officers of out-of-state affiliates were subversive. On Feb. 5, 1960, court held that although U.S. Supreme Court had upheld acts similar to 1924 one, the law did not apply in this case because of the NAACP was not dedicated to unlawful intimidation or violence. Court also ruled that the 1958 act required "the impossible."

Nweze v. LSU Board of Supervisors

U.S. District Court at New Orleans on June 12, 1963, ordered a Nigerian exchange student admitted to summer session at LSU in New Orleans.

Poindexter et al v. Louisiana Financial Assistance Commission et al

Filed in U.S. Fifth Circuit Court of Appeals on June 29, 1964, attacking state's tuition grants program on the grounds it supported a segregated school system.

Singlemann v. Davis

A friendly suit filed in December, 1960, to test validity of *Act 2* of Second Special Session of Louisiana Legislature of 1960, an act which created a new school board for Orleans Parish. Three judge federal court nullified the act even as the Legislature passed a new act in third special session doing the same thing.

State of Louisiana v. Orleans Parish School Board et al

Filed in Civil District Court of Orleans Parish in 1960 by state attorney general to enjoin school board from reclassifying Negro and non-Negro schools as ordered by federal courts in *Bush* case. On March 14, 1960, court upheld *Act 319* of 1956. On appeal by an intervenor-defendant *(Williams v. Davis)*, the State Supreme Court ruled that it lacked jurisdiction, and transferred the case to the Orleans Parish Court of Appeal, which upheld the legislature's authority under the act.

State of Louisiana et al v. NAACP et al (See *NAACP et al v. Martin et al.)*

Tureaud v. LSU Board of Supervisors

U.S. District Court in 1952 ordered desegregation of Louisiana State University, Baton Rouge, at the undergraduate level but the Negro admitted stayed only eight weeks.

U.S. v. Bossier Parish School Board

Filed Jan. 18, 1963, in U.S. District Court by U.S. Department of Justice asking desegregation of public schools receiving federal aid to "impacted" areas. Case dismissed Aug. 20, 1963, by District Judge Ben C. Dawkins. Dismissal upheld Aug. 25, 1964, by U.S. Fifth Circuit Court of Appeals.

U.S. v. Louisiana (See ***Bush v. Orleans Parish)***

U. S. v. St. Bernard Parish School Board

Filed in U. S. District Court at New Orleans in the fall, 1961, by the U. S. attorney general to enjoin the board from conducting a segregated school in the parish for students from adjacent Orleans Parish, who boycotted desegregated facilities. The suit became moot when the students transferred to a private school in Orleans Parish.

Wagner v. Redmond

Emile F. Wagner Jr., a member of the Orleans Parish school board, asked the parish civil district court in the fall, 1960, for a writ of mandamus ordering the superintendent, James F. Redmond, to furnish names and addresses of students enrolled in the two desegregated schools. On Dec. 2, 1960, the court issued the writ. On appeal, the State Fourth Circuit Court of Appeal affirmed on March 13, 1961.

Welch v. State Board of Education

Filed Feb. 3, 1964, by white teacher asking admission to Southern University, New Orleans, a Negro institution. In September, 1964, U.S. District Judge Robert Ainsworth granted injunction restraining enforcement of 1880 and 1956 laws specifying the institution solely for Negroes.

William v. Davis (See *Bush v. Orleans Parish* and *State of Louisiana v. Orleans Parish*)

Williams v. Delgado Trades and Technical School

U.S. District Court on Sept. 9, 1964, ordered city-owned and state-financed trade school to accept qualified students without regard to race.

Williams v. Iberville Parish School Board

Filed Jan. 23, 1964, in U.S. District Court on behalf of 11 Negro parents and their children, for complete and immediate desegregation, or, as an alternate, the submission of a desegregation plan. On July 9, court gave board 60 days to submit a plan. Board complied on Sept. 8, 1964, with a grade-a-year proposal, to begin at 12th grade in 1965.

Williams et al v. Northwestern Louisiana College at Natchitoches

Sought desegregation of state-supported Northwestern College but died in court when Negroes failed to press the case.

Wilson v. LSU Board of Supervisors

Louisiana State University ordered to admit its first Negro (to the law school) in September, 1950, by U.S. District Court.

*(The *Bailey*, *Lark* and *Ludley* cases all involved court rulings of invalidity of *Acts 15* and *249* of the 1956 Legislature, which required certificates of good character from educators for students to attend state colleges but at the same time ordered removal of teachers doing anything to promote desegregation.)

LEGISLATION (134)

1954

HCR 27—Created Joint Legislative Committee to conduct "fight to maintain segregation of races."

Act 555—Required separate schools under state police powers. U.S. District Court of three judges declared unconstitutional in 1960, *Bush v. Orleans Parish School Board* and *Williams v. Davis*. Repealed by *Act 9*, First Extraordinary Session, 1960.

Act 556—Gave broad powers to local superintendents in pupil assignments.

Act 752—Constitutional amendment required segregation. Ruled unconstitutional in *Bush v. Orleans Parish.*

1956

HCR 9—Continued Joint Legislative Committee.

HCR 10—Interposition. Subsequently, legislature in first special session of 1960 passed act of Interposition, ruled unconstitutional by U.S. District Court in *Bush v. Orleans Parish School Board* on Nov. 30, 1960.

Act 15—Required that pupils entering public-supported colleges and universities be certified as to good moral character by principal and superintendent, who would be removed if aiding desegregation. Ruled unconstitutional by U.S. District Court, *Ludley v. Louisiana State University Board of Supervisors*, 1956.

Act 28—Lifted compulsory attendance in desegregated districts. This act amended by *Act 27*, first special session of 1960, and ruled unconstitutional in 1960 by three-judge U.S. District Court in *Bush v. Orleans Parish School Board, Williams v. Davis*, and *U.S. v. State of Louisiana.*

Act 248—Provided dismissal of pro-integration school bus operators.

Act 249—Provided dismissal of teachers advocating integration. Ruled unconstitutional in 1956 in *Bailey, Lark* and *Ludley* cases.

Act 250—Provided dismissal of any state employe advocating integration.

Act 252—Provided dismissal of permanent teachers in Orleans Parish advocating integration.

Act 319—Classified schools as white or Negro in Orleans Parish. Three-judge U.S. District Court in 1960 declared unconstitutional in *Bush v. Orleans Parish School Board* and *Williams v. Davis*. Repealed by *Act 3*, First Extraordinary Session, 1960.

Act 579—Banned interracial sports, social activities. U.S. District Court in 1959 ruled unconstitutional in *Dorsey v. Louisiana State Athletic Commission.*

Act 613—Proposed constitutional amendment to withdraw state consent for state or local school officials to be sued. Approved in Nov. 6, 1956, referendum.

1958

Act 187—Ensured teacher salaries for time lost as a result of desegregation.

Act 256—Authorized closing of desegregated schools. and transferring property to private, nonsectarian schools. U.S. District Court of three-judges in 1960 declared unconstitutional in *Bush v. Orleans Parish School Board* and *Williams v. Davis*. Repealed by *Act 7*, First Extraordinary Session, 1960.

Act 257—Authorized private schools under educational cooperatives.

Act 258—Authorized tuition grants for private education.

Act 259—Provided system of pupil placement. Amended by *Act 492* of 1960.

Act 260—Prohibited affiliation of Louisiana nontrading corporations with out-of-state organizations having officers who were members of "Communist, Communist-front or subversive organizations." Declared unconstitutional in 1960 in *NAACP v. Martin.*

Act 557—Proposed amendment for state control of public, private schools. Incorporated into *Art. 12* of Louisiana Constitution.

1960

(Regular Session)

Act 18—Created State Sovereignty Commission. Amended by *Act 2*, 1960 Third Extra Session.

Act 68—Made it a crime to falsely state to federal officials that Louisiana officials had deprived a person of constitutional rights.

Act 333—Prohibited granting of school funds to desegregated schools. U.S. District Court of three judges in 1960 declared unconstitutional in *Bush v. Orleans Parish School Board* and *Williams v. Davis.* Repealed by *Act 8*, First Extraordinary Session, 1960.

Act 492—Revised pupil placement. Louisiana *Act 259* of 1958 revised and refined to coincide with Alabama law ruled constitutional.

Act 495—Authorized school closing by governor and sale of school property to private interests. U.S. District Court of three judges ruled unconstitutional in *Bush v. Orleans Parish School Board* and *Wil-*

liams v. Davis. Repealed by *Act. 6,* First Extraordinary Session, 1960.

Act 496—Permitted racial classification of schools. U.S. District Court of three judges ruled unconstitutional in 1960 in *Bush v. Orleans Parish School Board* and *Williams v. Davis.* Repealed by *Act 5,* First Extraordinary Session, 1960.

Act 541—Required that children applying for admission to public or private schools for the first time, present copy of official birth certificate showing age and race.

Act 542—Authorized governor to close schools in event of disorder. U.S. District Court of three judges ruled unconstitutional in 1960 in *Bush v. Orleans Parish School Board* and *Williams v. Davis.* Repealed by *Act 4,* First Extraordinary Session, 1960.

Act 579—Provided for closing trade schools in the event of disorder.

Act 580—Classified trade schools as to race.

Act 581—Prohibited free textbooks, supplies or funds to any desegregated trade school.

Act 582—Provided for the closing of any trade school in the interest of the people and selling them to private interests.

1960

(First Extraordinary Session)

The following acts and concurrent resolutions of the 1960 First Extraordinary Session were declared unconstitutional by a three-judge U.S. District Court at New Orleans on Nov. 30, 1960, in the combined *Bush v. Orleans Parish School Board, Williams v. Davis,* and *U.S. v. State of Louisiana.*

HCR 10—Provided creation of an eight member legislative committee to run the Orleans Parish public schools under *Act 17* below.

HCR 17—Changed powers of committee created by *HCR 10* so as to limit committee to investigative duties.

HCR 18—Legislature, acting as Orleans Parish school board, fired local school superintendent and board attorney.

HCR 19—Appointed sergeants at arms to enforce in New Orleans the provisions of the interposition act and other acts and resolutions of the first special session, including a school holiday order.

HCR 23—Removed from office the four members of the Orleans Parish school board who complied Nov. 14, 1960, with desegregation order of federal court.

Act 2—Interposed the powers of the state, declaring the state alone had jurisdiction in public schools.

Act 10—Provided governor could close schools where disorder occurred or was threatened.

Act 11—Provided governor could close desegregated schools.

Act 12—Provided governor could close schools permanently.

Act 13—Prohibited state aid to any desegregated school.

Act 14—Provided schools could be operated under state police powers.

Act 16—Provided additional powers for state police officers.

Act 17—Permitted legislature to assume power of Orleans Parish school board. Removed powers and duties of the Orleans Parish school board.

Act 18—Named three member board of trustees to handle funds of any school board abolished.

Act 19—Repealed law designating Orleans Parish superintendent as treasurer of the school board.

Act 20—Permitted accrediting of all schools except those not operated in accordance with state laws. Prohibited State Board of Education approval or accreditation of desegregated schools.

Act 21—Prohibited school boards from carrying on any functions after being ordered to desegregate.

Act 22—Provided that any desegregated school would be closed as unfit.

Act 23—Revoked teaching certificates of public school teachers who instructed in desegregated classrooms.

Act 24—Required pupils be denied promotion and graduation if they attended desegregated classrooms.

Act 25—Repealed law under which Orleans Parish school board was elected.

Act 26—Forbade transfers of pupils from one school to another after the 21st day of the 1960-61 school term.

Act 27—Repealed the compulsory state school attendance law.

Several acts and resolutions of the 1960 First Extraordinary Session were not included in the litigation, which knocked out the above acts and resolutions. Among the acts passed and unaffected by the litigation were:

HCR 9—Created legislative committee to carry out *Act 2.*

HCR 20—Condemned federal court injunction against state officials and legislators to prevent school desegregation interference.

HCR 21—Stated interposition doctrine enacted by *Act 2.*

HCR 22—Called on State Sovereignty Commission to distribute *HCR 21* to other 49 states.

Acts 3-9—Repealed respective laws: *Act 319* of 1956; *Acts 542, 496* and *495* of 1960 regular session; *Act 256* of 1958; *Act 333* of 1960 regular session; and *Act 555* of 1954.

Act 15—Allowed State Sovereignty Commission to employ counsel.

Act 28—Provided for revocation of teacher certificates of teachers in desegregated trade schools.

Act 29—Provided for closing desegregated trade schools.

1960

(Second Extraordinary Session)

SCR 1 and *HCR 1*—Commended parents who removed their children from desegregated schools.

HCR 2—Warned banks and businesses not to do business with the Orleans Parish school board. Declared unconstitutional in *Bush* case.

HCR 3—Accused U.S. District Judge J. Skelly Wright of bias and prejudice in the handling of school desegregation cases.

HCR 5—Criticized federal judiciary in Orleans Parish school case.

HCR 6—Requested Judge Wright to remove himself from desegregation cases.

HCR 7—Directed audit of Orleans Parish school board finances.

HCR 10—Condemned the U.S. contempt citation against State Education Supt. Shelby M. Jackson.

HCR 20—Memorialized state's U.S. senators to seek constitutional amendment clarifying Louisiana's authority over schools.

HCR 21—Called for federal constitutional convention to settle jurisdiction of state's public schools.

HCR 23—Directed that Orleans Parish school board funds be transferred to legislature. Three-judge federal court declared unconstitutional in *Bush* case.

HCR 26—Repeated doctrine of interposition.

HCR 27—Allowed Orleans Parish School Board, created by *Act 2,* to handle operating funds of schools.

HCR 28—Advised banks holding Orleans Parish school funds to release them despite federal court order. Declared unconstitutional in *Bush* case.

HCR 29—Restated legislature's support of separate-but-equal concept.

HCR 34—Expressed intent to pay teachers kept from employment because of compliance with Louisiana laws, and expressed intent to withhold pay of employees who failed to comply with laws.

HCR 36—Condemned letter of LSU professor who had criticized legislature's role in Orleans Parish desegregation.

Act 2—Provided for creation of new Orleans Parish school board. Declared unconstitutional in *Bush* case.

Act 3—Provided for a system of education expense grants for children attending non-profit, non-sectarian, non-public schools. Amended by *Act 147*, 1962.

Act 4—Required officers of educational cooperatives to furnish bonds when handling or controlling funds.

Act 5—Provided that the attorney general shall be the counsel for school boards within the state and for other subdivisions of government.

Act 6—Made it a misdemeanor to obstruct court orders or judicial process.

Act 7—Provided that property of school boards may be disposed of in cases where public schools have been closed. Redefined by *Act 11* of second 1961 session.

1960

(Third Extraordinary Session)

SCR 7—Addressed Dr. James F. Redmond out of office as superintendent of Orleans Parish public schools. State enjoined by U.S. District Court from carrying out Dr. Redmond's removal. U.S. Supreme Court declined to review.

HCR 8—Praised Lt. Gov. C. C. Aycock, House Speaker J. Thomas Jewell, and State Education Supt. Shelby M. Jackson for their actions in refusing to make money available to desegregated Orleans Parish schools. Condemned the U.S. District Court at New Orleans for citing the three officials for contempt.

HCR 9—Declared intent of the legislature to pay operating cost of Orleans schools.

HCR 15—Authorized pay for employes of Orleans public schools except those at desegregated William Frantz and McDonogh No. 19 schools.

HCR 21—Asked the Louisiana School Boards Association not to recognize the memberships in the association of the four Orleans school board members who complied with federal desegregation order Nov. 14. The four Orleans members were dropped from the association roles.

Act 2—Amended and re-enacted *Act 18*, Regular Session, 1960.

Act 3—Provided penalties for persons usurping public office and directed at school officials who hold office despite actions of legislature to remove them.

Act 4—Created appointed school board to replace the Orleans Parish elected board of five members. State enjoined by U.S. District Court from use of act. U.S. Supreme Court upheld the action.

1961

(First Extraordinary Session)

Senate Concurrent Resolution No. 4—Commended the Louisiana School Boards Association for refusing to recognize the association memberships of Orleans Parish school board members who complied with federal desegregation order.

1961

(Second Extraordinary Session)

HCR 21—Provided for transfer of Orleans Parish school funds to legislature.

HCR 22—Condemned contempt proceedings against state officials by U.S. government.

HCR 26—Authorized banks to make payments from legislatively controlled Orleans Parish school account.

HCR 28—Created committee for investigation of the operation of parish school boards.

Act 2—Provided that Louisiana school boards may call elections to determine whether voters would rather close public schools than have them desegregated. Ruled unconstitutional in *Hall v. St. Helena Parish School Board*.

Act 3—Made it a bribery offense to offer anything to parents of school children to get them to attend schools in violation of state laws. Three-judge federal court on May 4, 1961, held the law unconstitutional. U.S. Supreme Court upheld ruling in October, 1961.

Act 4—Permitted educational cooperatives to enter into contracts of employment with teachers and restricted cooperatives to paying school personnel what they were paid under public school program.

Act 5—Prohibited persons from encouraging child to attend desegregated schools and provided that fines imposed on violators of the act be paid to informers who pinpoint the violation. Three-judge federal court on May 4, 1961, held the law unconstitutional. U.S. Supreme Court upheld the decision in October, 1961.

Act 7—Added four members to the seven member East Baton Rouge Parish school board. Amended by *Act 14*, 1962.

Act 9—Transferred $2.5 million from the welfare department to the grant-in-aid school fund.

Act 10—Provided $200,000 a month from sales tax be placed in the grant-in-aid school fund.

Act 11—Provided for the sale or lease of school properties no longer needed by public school system. A redefinition of *Act 7* of the Second Extraordinary Session of 1960.

1962

HCR 113—Authorized Rep. Risley Triche to issue warrants and checks against the Louisiana Legislature School Account No. One for payment of "any and all valid obligations of the Orleans Parish School System and reimbursement payments to said system."

HCR 114—Authorized Supt. of Education Shelby Jackson to draw on the Louisiana Legislature School Account No. 1 for "funds which may be available, due and payable for the benefit of the Orleans Parish public school system for the fiscal year July 1, 1962, to June 30, 1963."

Act 6—Transferred $4 million from the educational expense grant fund to the general fund.

Act 14—Clarified *Act 7*, Second Extraordinary Session, 1961, enlarging the East Baton Rouge Parish School Board from seven to 11 members and setting six-year terms.

Act 67—Amended Section 51 of Title 17, LRS, 1950, to authorize parish school boards to sue and be sued to enforce contracts without the necessity of further legislative authorization, and prohibited any other suits against parish school boards without prior legislative authorization.

Act 128—Repealed Section 221 of Title 17, LRS, 1950, the compulsory attendance law, which required parents and guardians of children between ages 7 and 16 to send child to public or private school.

Act 147—Amended *Act 31*, Second Extraordinary Session, 1960 pertaining to financial assistance for pupils attending private, non-sectarian schools; vested this function in the Louisiana Financial Assistance Commission, set qualifications for assistance, established hearing procedures, transfered $200,000 per month to educational expense grant fund, and set a penalty for fraudulent application for grants.

Act 148—Amended Section 318 of Title 47, LRS, 1950, to provide for payment by the collector of revenue of the first $200,000 from collection of state sales tax each month to the Louisiana Financial Assistance Fund, which replaced the education expense grant fund.

Act 196—Provided that no child shall be compelled to attend any school in which his race constitutes less than half of the total registration.

Act. 206—Amended Section 416 of Title 17, LRS, 1950, relative to discipline in the public schools and specified causes therefor: wilful disobedience; intentional disrespect; unfounded charges; immoral or vicious practices; use of tobacco or alcohol; defacing property; obscene language, writing or drawing; carrying weapons.

Act 342—Appropriated $100,000 from the general fund to reimburse St. Bernard Parish school board for expense of providing educational facilities for pupils not residents of the parish.

Act 543—Proposed to amend Section One of Article XXI of the state constitution to authorize the legislature to designate and provide for special elections at which propositions to amend Article XII (dealing with public education) may be submitted to the electorate. This is to be in addition to provisions already on the books designating congressional and legislative elections for amendment referendums. Approved in November, 1962, general election.

Act 544—Proposed to amend Section 13, Article XII of the state constitution, prohibiting appropriation of public funds to private or sectarian schools; continued authority of the legislature to authorize state-supported institutions of higher learning to engage in interstate and intrastate education agreements with other states. Approved in November, 1962, general election.

Act 545—Proposed to amend Article VI of the state constitution, ratifying and confirming creation of Louisiana Financial Assistance Commission, authorizing the commission to borrow money to provide assistance and to issue bonds secured by a pledge of two per cent of the present sales tax. Rejected in November, 1962, general election.

Act 546—Proposed to amend Section One of Article XII of the state constitution, providing for financial assistance directly to pupils for attendance at private non-sectarian schools. Approved in November, 1962, general election.

1963

Act 27—Amended Sec. 318 of Title 47 of Louisiana Revised Statutes of 1950 to provide that $300,000 per month from the state sales tax be deposited in the Louisiana Financial Assistance Fund for distribution in grants-in-aid tuition program for children attending private, non-sectarian schools.

1964

Act 50—General Appropriations Act provided funds for Legislative Committee on Segregation and continued committee for four years.

Act 109—Re-instated compulsory attendance requirement that had been obscured by previous legislation and subsequent court decisions.

Act 212—Returned to Orleans Parish school superintendent the authority removed by legislature during 1960-61 school desegregation crisis.

MARYLAND

Elementary and High Schools

24 Districts: 23 With Negroes and Whites;
23 Desegregated

	White	Negro	Total
Enrollment	565,434	166,861	732,295
Teachers	NA	NA	31,979

Colleges and Universities

All 20 Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	16	4	20
Enrollment	39,581	4,714	44,295

Status of Segregation-Desegregation

PUBLIC SCHOOLS

All of Maryland's 23 biracial school districts are desegregated, and in the fall, 1964, for the first time all 23 districts had some Negroes attending schools with whites. Baltimore was the first district to desegregate: In 1952-53 a small number of Negroes were admitted to an advance college preparatory curriculum at one high school; city-wide desegregation began in September, 1954, when 1,376 Negroes entered 50 formerly all-white schools. All districts were desegregated in principle by 1957-58 but as late as 1963-64 there were three without actual desegregation. Desegregation was voluntary in all instances although court cases were a factor in three districts. On Jan. 30, 1962, the Maryland Board of Education re-emphasized state policy in calling upon local school boards to guarantee transfers, transportation and assignments" "without regard to race." Eight districts experienced their first actual desegregation after that date. All grades are open in all districts. The school districts are:

District	Enrollment White	Enrollment Negro	Negroes w/Whites	Brcl. Schs.	Date Deseg.**
Allegany	17,115	293	293	18	1955
Anne Arundel	48,559	5,572	2,482	53	1956
Baltimore City	77,170	111,381	69,954	139	1954
Baltimore Co.	102,121	4,097	2,296	89	1955
Calvert	2,454	2,644	10	1	1962
Caroline	3,682	1,215	25	5	1962
Carroll	11,946	514	352	19	1955
Cecil	10,168	729	570	18	1955
Charles	5,217	3,782	282	8	1956
Dorchester	3,933	2,600	78	5	1962
Frederick	14,795	1,464	1,421	24	1956
Garrett	5,075	0	—	—	—
Harford	18,216*	2,367*	997***	25	1956
Howard	9,174	1,194	491	16	1956
Kent	2,481	997	8	4	1962
Montgomery	98,347*	3,673*	3,673	120	1955
Prince George's	87,305	11,284	2,267	95	1955
Queen Anne's	2,901	1,295	2	1	1964
St. Mary's	6,021*	1,881*	151	7	1958
Somerset	2,459	2,037	19	4	1963
Talbot	2,966	1,480	91	6	1956
Washington	21,075	504	504	23	1955
Wicomico	8,543	3,332	236	9	1962
Worcester	3,711*	2,526*	1	1	1964
TOTALS	565,434	166,861	86,203	690	

*Estimates of racial breakdowns based on racial percentages recorded in previous year.

**Desegregation date is first year Negroes entered formerly white schools.

***Desegregation estimate based on court testimony as to desegregation plans for fall of 1964.

TEACHERS

No teachers have been discharged because of desegregation, but complaints have arisen in a few districts that qualified Negro applicants are not hired as readily as white teachers. The following districts in October, 1964, reported Negro teachers in desegregated positions (including principals and supervisors): Allegany, 5; Baltimore City, 2,052; Baltimore County, 79; Calvert, 2; Carroll, 8; Frederick, 38; Howard 14; Prince George's, 53; Somerset, 2; Washington, 17; and Wicomico, 2. An unreported number of teachers also serve on desegregated staffs in Anne Arundel, Cecil, Harford and Montgomery. Statewide total, about 2,455

HIGHER EDUCATION

All eight public senior colleges (four predominantly white; four predominantly Negro) and 12 public junior colleges are desegregated. All currently have biracial enrollments except one, which previously has had both white and Negro students. The University of Maryland was the first of the white colleges to become desegregated, admitting a Negro to its School of Law in 1936 by court order (*Pearson v. Murray.*) All others have desegregated voluntarily. Two of the Negro institutions have been desegregated in policy since their founding but only recently have been consistently biracial. The state's colleges are:

Predominantly White Senior Colleges	Enrollment* White	Enrollment* Negro	Date Deseg.
Frostburg State	2,033	5	1955-V
Salisbury State	594	0	1955-V
Towson State	3,550	50	1955-V
University of Maryland	21,336	525	1936-C
Junior Colleges			
Allegany Community	397	3	1961-V**
Anne Arundel Community ..	614	7	1961-V**
Baltimore Junior	2,250	250	1954-V
Catonsville Community	1,040	10	1957-V**
Charles County Community..	211	23	1958-V**
Essex Community	571	1	1957-V**
Frederick Community	400	12	1957-V**
Hagerstown Junior	637	2	1946-V**
Harford Junior	693	12†	1957-V**
Montgomery Junior	2,825	25	1955-V
Prince George's Community.	1,115	35	1958-V**
St. Mary's Col. of Md........	351	4	1955-V
TOTAL	38,617	964	
Predominantly Negro Senior Colleges			
Bowie State	125	378	1955-V
Coppin State	5	446	1955-V
Maryland State	32	612	1886-V**
Morgan State	200	2,916	1867-V**
TOTALS	362	4,352	
STATE TOTALS	38,979	5,316	

*October, 1964, estimates of college officials in absence of enrollment records kept by race. The "white" figure at Morgan includes many foreign students.

**Year of founding.

†1963-64 estimate of Negroes.

FACULTIES

Negroes serve as faculty members at the University of Maryland and three of the two-year colleges: Baltimore, Essex and Frederick. All four predominantly Negro colleges have some white faculty members. No Negro faculty members have been reported at the three predominantly white four-year state colleges.

SPECIAL SCHOOLS

The four state training schools for delinquent youths (two for boys and two for girls) were desegregated in 1961 following a state court ruling that continued segregation would be unconstitutional. The Maryland School for the Blind desegregated voluntarily in 1954, as did the Maryland School for the Deaf. The Rosewood Training School for mentally retarded children admitted Negroes voluntarily (a court suit to stop desegregation failed) in 1954. The Esther Loring Richards Children's Center for emotionally disturbed children opened in 1958 as a desegregated institution, as did the Jacob E. Finesinger

Unit, also for disturbed children, in 1961. Racial statistics are not available.

LITIGATION (16)

Barksdale et al v. Board of Education, Ann Arundel County et al

Citizens sought to compel board to maintain segregated schools on grounds that 14th Amendment had been adopted invalidly. County Circuit Court on Sept. 27, 1956, sustained board demurrer that Supreme Court decision had rendered invalid all state segregation laws.

Burr v. Board of School Commissioners of Baltimore

Filed in the Superior Court of Baltimore in September, 1954, to halt desegregation of city schools. Demurrer of defendants sustained in October, 1954, in finding that school commissioners "exercised their discretion legally and in accordance with a final and enforceable holding and decision of the Supreme Court."

Christmas v. Harford County Board of Education

Filed in U.S. District Court on May 1, 1964, to eliminate separate Negro schools by September, 1964, and to end racial discrimination in teacher hiring. District Judge Roszel C. Thomsen on June 25, 1964, enjoined board from discrimination in hiring, but deferred judgment for a year on the board's voluntary four-step plan to eliminate the Negro schools by 1967.

Ex parte Howard

Baltimore County Board of Education in October, 1955, filed petition in county Juvenile Court advising that Howards were keeping their two daughters out of desegregated school. Howards sought jury trial, which juvenile courts in Maryland do not provide. Case turned over to state's attorney's office, which presented a criminal information to county grand jury. Grand jury in March, 1956, declined to indict.

Groves v. Board of Education of St. Mary's County

Filed in U.S. District Court in April, 1958, to obtain desegregation of grades above those opened to Negro transfers under county plan. While approving the general plans, District Court ruled in August, 1958, that exception should be made for one child in absence of administrative problems. Ruling affirmed by U.S. Fourth Circuit Court of Appeals in November, 1958.

Hart v. Board of Education of St. Charles County

Filed in U.S. District Court in June, 1958, to permit Negro boy enrolled at desegregated school to ride the white school bus. Declared moot in August, 1958, when county school officials provided the desired transportation.

Heintz v. Howard County Board of Education

Filed in Circuit Court for Howard County in August, 1956, along with identical petitions in Carroll, Anne Arundel and Talbot county courts, to have school desegregation declared unconstitutional. All were dismissed in September, 1956, on ground that lower courts could not overrule the Supreme Court.

Mitchell v. Connellee

Filed in January, 1955, in U.S. District Court to desegregate school on military base operated by Cecil County Board of Education Declared moot in December, 1955, following withdrawal of operation of the school by county and state.

Moore v. Board of Education of Harford County (Civil Action No. 8615)

Filed in U.S. District Court in November, 1955, to desegregate Harford County schools. Suit dropped in March, 1956, following adoption of desegregation resolution by County Board of Education.

Moore v. Board of Education of Harford County (Civil Action No. 9105)

Filed in U.S. District Court in August, 1956, on behalf of pupils whose transfer requests had been denied under county desegregation plan. After several hearings, a new plan to desegregate all schools by 1963 was approved by a District Court judgment in June, 1957.

Myers v. State Board of Public Welfare

A Negro boy adjudged delinquent by the juvenile division of a state circuit court in Baltimore filed a class action in the same court in February, 1960, to have declared unconstitutional the state law requiring racial segregation in the state's four training schools. On July 6, 1960, the court held that the statutes violated the 14th Amendment. On appeal by the state board, the Court of Appeals of Maryland on Feb. 7, 1961, upheld the earlier decision, ruling that the Supreme Court's school desegregation decisions applied to all educational facilities offered by the state "without regard to the type of school."

Pearson v. Murray

The Maryland Court of Appeals in 1936 held that the state must afford equal educational opportunities in its own institutions. Donald Murray, a Negro, enrolled at the University of Maryland law school under court order.

Pettit v. Board of Education of Harford County

Filed in U.S. District Court in February, 1960, to obtain Negro transfer to white high school. Court ruled in May, 1960, that Negro boy, despite county screening process, had prior right even under separate-but-equal doctrine to be admitted to academic course offered only to white students.

Robinson v. St. Mary's County Board of Education

Filed in U.S. District Court in March, 1956, to desegregate schools of St. Mary's County. Petition dismissed in July, 1956, on ground that administrative remedies had not been exhausted.

Slade v. Board of Education of Harford County

Filed in U.S. Fourth Circuit Court of Appeals in July, 1957, to obtain speedier desegregation than the schedule approved in the Moore case above. Appellate judges upheld District Court judgment in February, 1958. The Supreme Court declined to review in June, 1958.

West v. Prince George's County Board of Education

First filed in U.S. District Court in January, 1956, to collect damages for alleged discrimination in salaries of white and Negro teachers. Dismissed on technicality in March, 1956; refiled and heard in September, 1958. Court ruled in latter month that suit came too late under applicable Maryland statutes and that "there is no evidence of any present discrimination against Negro teachers" in county.

LEGISLATION (3)

1951

Ch. 548—Established a Commission on Interracial Problems and Relations. Amended 1963.

1959

The legislature ratified the 14th Amendment to the U.S. Constitution, on which the School Segregation Cases had been decided.

1963

Ch. 228—Amended *Ch. 548*, 1951, to specify procedures for handling discrimination complaints and for enforcement of the commission orders; and declared malicious filing of false claims to be a misdemeanor.

MISSISSIPPI

Elementary and High Schools

150 Districts: 150 With Negroes and Whites;
Four Desegregated

	White	Negro	Total
Enrollment*	308,409	295,962	604,371
Teachers*	12,270	8,572	20,842

*1963-64

Colleges and Universities

One Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	19	6	25
Enrollment*	35,467	5,579	41,046

*1963-64

Status of Segregation-Desegregation

PUBLIC SCHOOLS

The first Mississippi public school district desegregated on Aug. 31, 1964, when 16 Negro children attended four first-grade classes with whites in Biloxi under federal court orders. First-grade desegregation, all under court order, also began that September in Jackson, Leake County and Clarksdale. No Negroes applied to enter the white schools in Clarksdale; biracial classes began in the other three districts without incident. The desegregated districts are:

Districts	Enrollment* White	Enrollment* Negro	Negroes w/Whites	Brcl. Schls	Date Deseg.
Jackson	20,986	15,205	39	8	1964-C
Biloxi	8,186	1,332	18	4	1964-C
Leake County	2,503	2,623	1	1	1964-C
Clarksdale	2,945	2,769	0	0	1964-C
TOTALS	34,626	21,929	58	13	

*1963-64

TEACHERS

Complete segregation is maintained.

HIGHER EDUCATION

The University of Mississippi at Oxford was desegregated on Oct. 1, 1962, when a Negro transfer student, James Meredith, enrolled by court order in *Meredith v. Fair.* Riots occurred on the campus when Meredith arrived on the campus a day earlier, accompanied by a force of federal marshals. President Kennedy sent in regular troops and called part of the Mississippi National Guard to active duty to restore order. Meredith was graduated in June, 1963, still under protection of federal marshals. In June, 1963, Cleve McDowell became the second known Negro to enroll in the University of Mississippi, under a federal court order in *McDowell* admitting him to the School of Law. On September 24, 1963, he was expelled after found guilty by the Student Judicial Council of carrying a concealed weapon on the campus in violation of an administrative order. McDowell's expulsion returned the University of Mississippi to its former all-white status, until a third Negro entered by court order in the summer of 1964. The school voluntarily accepted another Negro student in September, 1964. The colleges and universities are:

	Enrollment* White	Enrollment* Negro	Date Deseg.
White Sr. Colleges			
Delta State	1,653	0	
Miss. State Coll. for Women	2,679	0	
Miss. State University	6,185	0	
University of Mississippi**	5,836	2	1962-C
University of Southern Miss.	7,889	0	
TOTALS	24,242	2	
Negro Sr. Colleges			
Alcorn A&M	0	1,491	
Jackson State	0	1,687	
Miss. Valley State	0	1,295	
TOTALS	0	4,473	
White Jr. Colleges			
Copiah-Lincoln	501	0	
East Central	506	0	
East Mississippi	280	0	
Hinds	1,574	0	
Holmes	483	0	
Itawamba	719	0	
Jones County	1,351	0	
Meridian Municipal	837	0	
Mississippi Delta	551	0	
Northeast Miss.	1,162	0	
Northwest Miss.	880	0	
Pearl River	747	0	
Perkinston	1,251	0	
Southwest Miss.	381	0	
TOTALS	11,223	0	
Negro Jr. Colleges			
Coahoma	0	457	
T. J. Harris	0	203	
Utica	0	446	
TOTALS	0	1,106	
STATE TOTALS	35,465	5,581	

*1963-64
**Includes Medical College, Jackson

FACULTIES

Complete segregation is maintained.

SPECIAL SCHOOLS

Complete segregation is maintained.

ETHNIC GROUPS

The state has no separate schools for Indians or other such groups, but the federal government has a school for Indians in Neshoba County.

LITIGATION (9)

Evers et al v. Jackson Municipal Separate School District Board et al.

Filed in U.S. District Court on March 4, 1963, to desegregate public schools of city of Jackson. U.S. District Judge Sidney Mize dismissed the suit on June 24, 1963, on grounds appellants had not exhausted all administrative remedies. The U.S. Fifth Circuit Court of Appeals reversed Mize on Feb. 13, 1964, and Mize issued a desegregation order on March 4. On July 9, Mize ruled that grade-a-year desegregation must begin with 1964-65 year, and on July 29, he tentatively approved a plan to begin with the first grade. The judge agreed to plaintiffs' request to reexamine pace of desegregation in January, 1965. Jackson schools desegregated Sept. 14, 1964.

Henry et al v. Clarksdale Municipal Separate School District et al

Filed in U.S. District Court April 21, 1964, to desegregate public schools. Judge Claude F. Clayton on June 27, 1964, ordered a desegregation plan submitted and called for desegregation to begin in September. Clayton combined two of the board's four proposals and on Aug. 19 ordered desegregation of the first grade in September, 1964, and the second grade in January, 1965, with all grades having complied by 1970. Judge Clayton accepted the board's districting based on "natural boundaries," but the Negroes claimed the zoning plan blocked desegregation. No Negroes applied for white schools when the term opened in September, 1964.

Hudson v. Leake County School Board et al.

Filed in U.S. District Court on March 7, 1963, to desegregate public schools of Leake County. District Judge Sidney Mize dismissed the suit June 24, 1963, on grounds appellants had not exhausted all administrative remedies. U.S. Fifth Circuit Court of Appeals reversed Mize on Feb. 13, 1964, and Mize on March 4 ordered desegregation to begin and requested a plan. On July 9, he ordered grade-a-year desegregation to begin with 1964-65, and on July 29 he approved a plan to start with the first grade. Mize agreed to re-examine the pace of desegregation in January, 1965. A Carthage school desegregated Sept. 2, 1964. On Nov. 5, 1964, Judge Mize refused to order the plan accelerated.

Mason et al v. Biloxi Municipal Separate School District Board et al

Filed in U.S. District Court in June, 1963, to desegregate public schools in Biloxi. District Judge Sidney Mize dismissed the suit on July 5, 1963, on grounds appellants had not exhausted all administrative remedies. The U.S. Fifth Circuit Court of Appeals reversed Mize on Feb. 13, 1964, and Mize on March 4 ordered desegregation and requested a plan. On July 9 Judge Mize ordered a grade-a-year plan to start in September and on July 29 he tentatively approved the plan to begin with the first grade. Biloxi schools desegregated Aug. 31, 1964.

Meredith v. Fair et al
U.S. v. State of Mississippi

Filed in U.S. District Court on May 31, 1961, to desegregate the University of Mississippi. U.S. District Judge Sidney Mize on Dec. 13, 1961, ruled that the university's rejection was not based on race or color. The U.S. Fifth Circuit Court of Appeals on Jan. 12, 1962, upheld Mize but ordered a hearing without delay. On Feb. 3, Judge Mize refused to order Meredith's admission, holding that the school was "not a racially segregated institution." The circuit court on Feb. 12, 1962, refused to order an injunction for immediate admission, but on June 25, 1962, the court held that university officials had rejected Meredith "solely because he was a Negro." On July 17, 1962, the circuit court directed Judge Mize to issue an order for admission. In July and August, the circuit court set aside three decrees by U.S. Circuit Judge Ben F. Cameron to stay the admission order. After Cameron's fourth stay, U.S. Supreme Court Justice Hugo Black set aside the stay. Meredith entered the school on Oct. 1, accompanied by federal marshals, after Gov. Ross Barnett and Lt. Gov. Paul B. Johnson personally intervened to stop the admission attempt. Contempt proceedings against the two officials are in the federal courts. Meredith graduated in June, 1963, and the last of the federal marshals withdrew.

McDowell v. Board of Trustees of State Institutions of Higher Learning

Filed in U.S. District Court in May, 1963, for admission to Law School of the University of Mississippi. U.S. District Judge Sidney Mize on May 27, 1963, ordered McDowell's admission, which was accomplished June 5 without incident. University of Mississippi School of Law officials had issued McDowell a certificate of admission before the case was called and it was the basis of Judge Mize's order since it showed that he had met all requirements and was acceptable. McDowell was expelled in September, 1963, when he violated an administrative order against carrying concealed weapons on the university campus. Charles Evers, NAACP field secretary, said McDowell received a fair hearing by the Student Judicial Council. McDowell later appealed to the Dean of Admissions and also to the Board of Trustees of State Institutions of Higher Learning. They refused to reverse the expulsion and McDowell asked the U.S. District Court to order him re-admitted. In July, 1964, Judge Mize denied McDowell's request for access to university records on disciplinary cases involving whites, but the judge kept the case under advisement.

U.S. v. Biloxi Municipal Separate School District Board et al

U.S. v. Gulfport Municipal Separate School District Board et al

Filed in U.S. District Court, January 18, 1963, as one suit seeking desegregation of schools for children of federal government personnel in both "impacted" areas. District Judge Sidney Mize separated the suits on April 22. On May 16, 1963, he dismissed the Gulfport suit on grounds that the United States had no contract with the school district and also that the government lacked authority to bring such a suit. Mize dismissed the Biloxi suit on June 17, 1963, on the same grounds. U.S. Fifth Circuit Court of Appeals on Jan. 7, 1964, upheld dismissal of both suits on grounds that "no occasion can arise for the suggested unprecedented and extremely dangerous exercise of the war power to affect the operation of the public schools of the state."

U.S. v. State of Mississippi (See *Meredith v. Fair*)

LEGISLATION (47)

1954

Ch. 260—Established pupil assignment.

Ch. 420—Created Mississippi Legal Educational Advisory Committee.

1954
(Extra Session)

Ch. 5—Appropriated $50,000 for MLEAC operations.

Ch. 39—Proposed amendment to state constitution of 1890 to permit abolishing public schools, to provide disposal of property, and to authorize use of state money for tuition grants.

Ch. 44—Extended activities of MLEAC.

1955
(Extra Session)

Ch. 43—Banned white and Negro attendance at same school.

Ch. 132—Inserted constitutional amendment authorized under *Ch. 39*, 1954.

Ch. 134—Enlarged MLEAC activities.

Ch. 139—Asked Congress to limit courts' jurisdiction.

Ch. 155—Banned speeches at state institutions by advocates of anti-state action.

1956

Ch. 239—Outlawed common-law marriages, thus making children of such marriages illegitimate. Under the pupil transfer provisions, these children could be rejected in applying for school transfers.

Ch. 253—Prohibited fomenting litigation or soliciting funds for filing suits.

Ch. 254—Directed officials to follow interposition doctrine of *Ch. 466*, and prohibited compliance with desegregation rulings.

Ch. 255—Named state bar requirements.

Ch. 256—Banned public disturbances.

Ch. 261—Banned telephone threats.

Ch. 265—Required school personnel to list memberships.

Ch. 288—Repealed compulsory attendance.

Ch. 289—Required pre-school-age census by race.

Ch. 365—Created State Sovereignty Commission.

Ch. 439—Created committee to draft interposition resolution.

Ch. 466—Stated doctrine of interposition.

Ch. 468—Sought federal constitutional admendment granting state control of schools.

Ch. 475—Commended Judge T. P. Brady for prosegregation efforts and his book, "Black Monday."

1958

Ch. 311—Authorized governor to close public schools and colleges.

1960

SCR 115—Commended William J. Simmons, editor of the Citizens' Council newspaper and officer of the state and national council.

SCR 143—Proposed constitutional amendment to remove mandatory provision that legislature provide for free public schools. Ratified in 1960 general election.

HB 1019—Increase biennial appropriation for State Sovereignty Commission from $150,000 to $350,000.

SB 1923—Authorized local school trustees to close public schools.

1962

SCR 158—Memorialized State Board of Education to include in state course of study the book "Race and Reason" by Carleton Putnam.

HB 124—Eliminated word "Negro" from statute authorizing Board of Trustees of State Institutions of Higher Learning to provide qualified students instruction in graduate and professional schools outside the state.

HB 403—Conferred specific powers on board of trustees of state institutions of higher learning for considering admission applications, and set up admission standards.

HB 530—Defined legal residence of persons enrolling for colleges.

HB 907—Authorized attorney general to employ three additional full-time assistants to defend any suit against the state, any of its agencies or officials.

HB 1117—Appropriated $250,000 for the State Sovereignty Commission for 1962-64 (reduced from previous $350,000).

SB 1710—Authorized campus police to enforce all laws on university or college grounds.

SB 1712—Modernized business corporation act to provide that no foreign nonprofit nonshare, or nonprofit or nonshare corporation can do business in the state until it has been domesticated. Violators of the law face injunction in Hinds County Chancery Court. Provision was designed to force the NAACP to qualify in the state.

1962

(Extraordinary Session)

HCR 18—Called for redress of grievances, including the removal of James H. Meredith, a Negro student, from the University of Mississippi, and the removal of all federal marshals and troops.

SB 1501—Provided that no person shall be eligible for admission to any state institution of higher learning if he has a criminal charge of moral turpitude pending against him in any Mississippi state or federal court. A U.S. Fifth Circuit Court of Appeals, ruling in *Meredith v. Fair*, said that the effect of the bill was "to punish James Howard Meredith should he seek enrollment in the University of Mississippi." Amended by *SB 1720*, 1964 regular session.

HB 2—Provided that all acts, words and conduct performed by any state officer in keeping Mississippi institutions of higher learning segregated were adopted as acts of the state and not the individuals.

1964

(Regular Session)

SB 1720—Amended *SB 1501*, 1962 Extraordinary Session, to eliminate words "or federal" from reference to courts.

SB 2043—Eliminated requirement that state accreditation would be given automatically to college or university on accreditation lists of Southern Association of Colleges and Schools. The author of the bill acknowledged it was aimed at predominantly Negro Tougaloo College.

1964

(Extraordinary Session)

Ch. 24—Prohibited assignment of pupils within public schools to a class where their presence would adversely affect or retard academic development of others.

Ch. 25—Provided separation by sex in schools.

Ch. 26—Required standard tests for all transfer students seeking to enter public schools.

Ch. 27—Authorized tuition grants for students to attend non-sectarian private schools.

Ch. 31—Empowered counties, cities and towns to levy taxes for local financial assistance to any child attending private school.

MISSOURI

Elementary and High Schools

1,542 District: Est. 212 with Negroes and Whites; Est. 203 Desegregated.

	White	Negro	Total
Enrollment*	818,000	102,000	920,000
Teachers*	31,330	2,770	34,100

*Totals are unofficial estimates compiled from various administrators in education in Missouri, as of June 30, 1964. Racial breakdown is based on unofficial estimates. The Missouri Department of Education keeps no data on race.

Colleges and Universities

All 15 Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	14	1	15
Enrollment*	59,448	1,582	61,030

*Totals are unofficial estimates from various administrators in education in Missouri, as of June 30, 1964. Most colleges and universities in Missouri do not maintain racial breakdowns.

Status of Segregation-Desegregation

PUBLIC SCHOOLS

Of the estimated 212 school districts having both whites and Negroes within their boundaries, 203 districts with an estimated 94,000 Negro pupils, are believed to be desegregated. An estimated 44,000 Negroes attend school with whites. Official figures are not available since the Missouri Department of Education keeps no data on race and this policy is reflected in local school districts. Most of Missouri's Negroes are concentrated in the two major urban areas—St. Louis and Kansas City. In October, 1963, the St. Louis public schools had 47,939 white and 64,102 Negro students. In October, 1964, the Kansas City public schools had 45,828 white and 28,300 Negro students. These two urban systems account for 92,402 of the approximately 102,000 Negroes estimated to be attending Missouri public schools. The estimate as to the number of Negro children attending school with white children is based in part on information from the St. Louis and Kansas City school systems. In 1963-64, St. Louis had 75 elementary and 11 high schools with both white and Negro children. Kansas City in autumn 1964, had 51 elementary and 14 high schools with white and Negro enrollees. Missouri school districts with biracial enrollments have desegregated voluntarily, starting first in 1954 in St. Louis and Kansas City. In the so-called "Bootheel" area of southeast Missouri, a cotton-growing agricultural area with strong cultural ties with the South, desegregation has tended to lag. In 1962, the NAACP began court action to bring about full desegregation of southeast Missouri schools. Districts definitely known to have ended desegregation are listed below by counties for convenience in locating them, although the counties themselves do not constitute school districts. High school and elementary districts have not been distinguished.

- **Adair County**
  - **Kirksville**
- **Audrain County**
  - **Mexico**
  - **Vandalia**
- **Bates County**
  - **Butler**
- **Boone County**
  - **Centralia**
  - **Columbia**
  - **Sturgeon**
- **Buchanan County**
  - **St. Joseph**
- **Butler County**
  - **Neelyville**
  - **Poplar Bluff**
- **Callaway County**
  - **Fulton**
- **Cape Girardeau County**
  - **Cape Girardeau**
  - **Jackson**
- **Carroll County**
  - **Carrollton**
  - **Norborne**
- **Cass County**
  - **Harrisonville**
  - **Pleasant Hill**
- **Chariton County**
  - **Keytesville**
- **Clay County**
  - **Excelsior Springs**
  - **Liberty**
- **Clinton County**
  - **Cameron**
  - **Lathrop**
  - **Plattsburgh**
- **Cole County**
  - **Jefferson City**
- **Cooper County**
  - **Boonville**
  - **Pilot Grove**
- **Dade County**
  - **Greenfield**
- **Daviess County**
  - **Gallatin**
- **Dunklin County**
  - **Kennett**
  - **Malden**
- **Franklin County**
  - **New Haven**
  - **Pacific**
  - **Union**
  - **Washington**
- **Greene County**
  - **Springfield**
- **Grundy County**
  - **Trenton**
- **Henry County**
  - **Clinton**
  - **Windsor**
- **Howard County**
  - **Fayette**
- **Howell County**
  - **West Plains**
- **Iron County**
  - **Ironton**
- **Jackson County**
  - **Independence**
  - **Kansas City**
- **Jasper County**
  - **Carthage**
- **Jefferson County**
  - **De Soto**
  - **Festus**
- **Johnson County**
  - **Holden**
  - **Knob Noster**
  - **Warrensburg**
- **Knox County**
  - **Edina**
- **LaClede County**
  - **Lebanon**
- **Lafayette County**
  - **Higginsville**
  - **Lexington**
  - **Mayview**
- **Lawrence County**
  - **Mt. Vernon**
- **Lewis County**
  - **Canton**
  - **LaGrange**
  - **Lemo**
- **Lincoln County**
  - **Troy**
- **Linn County**
  - **Brookfield**
  - **LaClede**
  - **Marceline**
- **Livingston County**
  - **Chillicothe**
- **Macon County**
  - **Bevier**
  - **Macon**
- **Madison County**
  - **Fredericktown**
- **Marion County**
  - **Hannibal**
  - **Palmyra**
- **Mississippi County**
  - **Anniston**
  - **Charleston**
  - **East Prairie**
- **Moniteau County**
  - **California**
  - **Jamestown**
  - **Tipton**
- **Monroe County**
  - **Madison**
  - **Paris**
- **Montgomery County**
  - **Montgomery City**
  - **Wellsville**
- **Morgan County**
  - **Versailles**
- **New Madrid County**
  - **Gideon**
- **Newton County**
  - **Neosho**
- **Nodaway County**
  - **Pickering**
- **Pemiscot County**
  - **R-IV Wardell**
  - **C-6 Deering**
- **Perry County**
  - **Altenburg**
- **Pettis County**
  - **Sedalia**
- **Phelps County**
  - **Rolla**
- **Pike County**
  - **Louisiana**
  - **Bowling Green**
- **Randolph County**
  - **Moberly**
- **Ralls County**
  - **New London**
- **Ray County**
  - **Hardin**
- **St. Charles County**
  - **St. Charles**
  - **Wentzville**
- **St. Clair County**
  - **Osceola**
  - **Appleton City**
- **St. Francois County**
  - **Bonne Terre**
  - **Farmington**
- **St. Genevieve County**
  - **St. Genevieve**
  - **St. Mary's**
- **St. Louis City**
- **St. Louis County**
  - **Berkeley**
  - **Brentwood**
  - **Clayton**
  - **Eureka**
  - **Ferguson**
  - **Kirkwood**
  - **Ladue**
  - **Maplewood-Richmond Heights**
  - **Normandy**
  - **Parkway**
  - **Pattonville**
  - **Ritenour**
  - **Riverview Gardens**
  - **Webster Groves**
  - **Wellston**
- **Saline County**
  - **Malta Bend**
  - **Marshall**
  - **Slater**
- **Scott County**
  - **Benton**
  - **Morley**
  - **Sikeston**
- **Shelby County**
  - **Clarence**
  - **Hunnewell**
  - **Shelbina**
- **Stoddard County**
  - **Bell City**
- **Warren County**
  - **Warrenton**
- **Washington County**
  - **Potosi**
- **Wright County**
  - **R-II Hartville**

TEACHERS

In September, 1961, the Missouri Advisory Committee to the U.S. Commission on Civil Rights estimated that 125 to 150 Negro teachers in Missouri had lost their employment as teachers as a result of initial desegregation. Most of the loss was in smaller or rural communities. The major urban systems, St. Louis and Kansas City, have been hiring an increasing number of Negro teachers and have hired some Negro teachers dismissed in other localities. In May, 1954, the St. Louis public schools had an instruction staff totaling 2,585—1,738 whites and 847 Negroes. By 1963 the total of professional (i.e. certificated) employes was 4,165—2,244 whites and 1,921 Negroes. The Negro proportion of classroom teachers in St. Louis increased from about 33 per to 47 per cent in the nine years. The Kansas City public schools in January, 1959, had a total of 2,153 teachers—1,744 whites and 409 Negroes. Kansas City's 1959 total represented an increase of 123 teachers since desegregation, and 45 of these were Negroes. By October, 1962, Kansas City had 2,856 teachers—2,193 whites and 663 Negroes. Thus from 1959 to 1964 the Negro proportion in Kansas City increased from about 18 per cent to 23.5 per cent. And in 1963-64 St. Louis and Kansas City had nearly 2,600 Negro teachers in their public schools, reflecting the steady increase in Negro enrollment.

HIGHER EDUCATION

The U.S. Supreme Court ordered the University of Missouri to admit a Negro in 1938 but the student never appeared to enroll (*Gaines v. Canada*). In 1950, a state circuit court ruled that qualified Negroes were to be admitted to the university whenever they applied for courses not available or of equal quality at Lincoln University. Except for the university, all public colleges and universities desegregated voluntarily. Most institutions of higher learning in Missouri say they no longer keep racial records on faculty or students. Estimated enrollments are:

Predominantly Wihte State Schools	Enrollment* White	Negro	Date Deseg.
Central Mo. State	4,865†	2†	1954-V
Northeast Mo. State	4,368	50	1953-V
Northwest Mo. State	3,339	2	1954-V
Southeast Mo. State	3,563†	2†	1954-V
Southwest Mo. State	4,311	7	1954-V
Univ. of Mo.			
Columbia	15,491	300	1950-C
Kansas City	4,078	300	1958-V
Rolla	4,038	20	1950-C
St. Louis	2,524	115	1963-V
TOTALS	46,577	798††	
Predominantly White District Colleges			
Harris Teachers	492**	427	1954-V
Jasper Co. Jr.	931	Unknown	1954-V
Jr. Coll. of Flat River	379	1	1957-V
Jr. Coll. of Kansas City	3,525**	428	1954-V
Moberly Jr.	179	6	1955-V
St. Joseph Jr.	599**	10	1955-V
St. Louis City-Co. Jr.	4,249	750	1963-V
Trenton Jr.	96**	1	1954-V
TOTALS	10,450	1,623††	
Predominantly Negro State Schools			
Lincoln Univ.	554†	1,028†	1954-V
STATE TOTALS	57,581	3,449††	

*Estimated. **1963-64. †1962-63.
††Represents minimum.

FACULTIES

Available information indicates that four of Missouri's 14, predominantly white, tax-supported universities and colleges have Negro faculty members: University of Missouri branch at Kansas City; St. Louis-St. Louis County Junior College (16); Harris Teachers College (16); and, the Junior College of Kansas City. Lincoln University, formerly all-Negro, has 64 Negro faculty members. The state's 15 public colleges and universities have a total faculty of about 3,132, including an estimated 92 Negroes.

SPECIAL SCHOOLS

Trade schools, adult education programs and special schools in Missouri are officially desegregated in most instances. In St. Louis the apprenticeship programs operated under auspices of organized labor in public school facilities have given rise to complaints of discrimination against Negroes, although some Negroes are enrolled.

LITIGATION (9)

Arnold et al v. Kirkwood School District R-7

Suit for injunction brought on behalf of 39 Negro children alleging they were deprived of equal educational opportunities. Filed in U.S. District Court at St. Louis on Dec. 13, 1950. Dismissed by District Judge George H. Moore Dec. 12, 1952, on the grounds that the plaintiffs had not established that their rights had been denied them because of race or color. Case held by U.S. Eighth Circuit Court of Appeals until after 1954 U.S. Supreme Court decision and returned to lower court for complying decree.

Board of Education City of St. Louis v. St. Louis Branch NAACP

St. Louis board filed suit in U.S. District Court Aug. 7, 1963, seeking judgment upholding legality of its bus transportation program for school children, chiefly Negroes, from crowded schools to those having classroom space. On Oct. 23, 1964, the board dropped its suit in return for NAACP dropping its suit against board (*Layne v. St. Louis*).

Brooks et al v. The School District of the City of Moberly, Mo., et al.

Group of Negro teachers brought action in U.S. District Court, Nov. 21, 1955, charging that failure to renew their teaching contracts resulted from racial discrimination. Court found for defendants on June 27, 1958. On Appeal, U.S. Eighth Circuit Court of Appeals affirmed lower court June 17, 1959, and found plaintiffs had failed to prove school board's action resulted from racial discrimination.

Davis et al v. Board of Education of School District of Charleston et al.

Negro parents brought action in U.S. District Court at St. Louis on Aug. 25, 1962, seeking desegregation of all public schools in the Charleston school district in southeast Missouri's "Bootheel." Temporary injunction granted on Oct. 8, 1962, admitted seven Negroes to Charleston High School. On April 11, 1963, Judge James H. Meredith ordered a desegregation plan for all Charleston public schools in September, 1963; he approved the plan June 4, 1963.

Gaines v. Canada

U.S. Supreme Court ruled in 1938 that the state was bound to furnish equal facilities within its borders. It ordered Leroy Gaines admitted to the University of Missouri law school since no Negro school existed. Gaines never enrolled.

Layne v. St. Louis Board of Education

Filed under NAACP auspices Aug. 20, 1963, in U.S. District Court, accusing St. Louis Board of Education of operating a segregated school system. Court heard arguments on motions Nov. 15, 1963, and took under advisement. On Oct. 23, 1964, the NAACP dropped its suit in return for board dropping its suit against NAACP (*Board of Education v. NAACP*).

Lewis v. Board of Education, Consolidated School District C-6, Deering

Filed in U.S. District Court May 6, 1963, to desegregate Deering Consolidated School District, Pemiscot

County, in southeast Missouri. Suit filed on behalf of eight Negro children by their parents, under NAACP auspices. On June 26, 1963, case was settled by consent judgment: high school to desegregate immediately; grades 7-8, July, 1963; grades 4-6, January, 1964; and grades 1-3, July, 1964.

Russell v. Board of Education of School District of Maplewood-Richmond Heights.

Negro physician, Dr. Harold G. Russell, resident of suburban St. Louis, brought action for writ of mandamus in St. Louis County Circuit Court No. 7 at Clayton on Oct. 7, 1959, seeking admission of two Russell children to all-white public school near his home. On Feb. 24, 1961, Judge John J. Kelly Jr. granted petitioner 30 days to file amended petition, and on March 24, 1961, amended petition was filed. On April 29, 1961, the Board of Education announced it had voted to rezone the school district to permit entry of Negro children in the all-white school in September, 1961. This brought an end to litigation.

Walls et al v. Board of Education, District R-VI, Pemiscot County

Filed April 24, 1963, in U.S. District Court to desegregate schools. Suit brought under NAACP auspices by parents of 12 Negro children. On June 26, 1963, case was settled by consent judgement: high school to desegregate immediately; grades 7-8, July, 1963; grades 4-6, January, 1964; and grades 1-3, July, 1964.

LEGISLATION (3)

1957

HB 125—Created Commission on Human Rights. Extended by *SB 257* of 1961.

HB 163—Repealed state laws requiring separate schools for whites and Negroes. (State attorney general already had declared them unenforceable.)

1961

SB 257—Made permanent the state human rights commission created by *HB 125* of 1957, and prohibited discrimination.

Definition of Terms

Desegregation—Change from segregated to biracial or multiracial status, either in practice or principle.

Integration—Absence of all racial distinctions.

Biracial Schools—Ones attended by more than one race. Abbreviated in tables as "Brcl. Schls."

Districts With Negroes and Whites—A district having both Negro and white students, whether the district is segregated or desegregated.

Date Deseg.—Abbreviation used in tables to indicate the date a school or district first desegregated in practice or policy.

"C" and "V"—Following dates of desegregation indicates whether the action was Voluntary or Court-ordered.

Negroes w/Whites—Used in tables for number of Negroes attending schools with whites.

Predominantly White; Predominantly Negro — Both terms used in tables on colleges and universities, to designate those schools either all-white or predominantly white, or those all-Negro or predominantly Negro.

NORTH CAROLINA

Elementary and High Schools

171 Districts: 171 With Negroes and Whites;
84 Desegregated

	White	Negro	Total
Enrollment	828,638	349,282	1,177,920
Teachers*	32,900	12,425	45,325

*Estimated

Colleges and Universities

All 17 Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	12	5	17
Enrollment	42,965	9,136	52,101

Status of Segregation-Desegregation

PUBLIC SCHOOLS

The first public school desegregation in North Carolina took place in September, 1957, when Charlotte (now Charlotte-Mecklenburg), Greensboro and Winston-Salem, by prior agreement, simultaneously announced voluntary desegregation plans.

The desegregated districts are:

District	Enrollment* White	Enrollment* Negro	Negroes w/Whites	Brcl. Schls.	Date Deseg.
Alamance Co.	9,522	2,878	25	9	1963-V
Andrews	1,174	14	1	1	1964-V
Asheboro	4,451	568	6	2	1964-V
Asheville	7,263	2,949	213	6	1961-V
Bertie Co.	2,254	4,769	1	1	1964-V
Buncombe Co. ...	19,398	390	67	7	1963-V
Burlington	7,488	1,992	12	3	1963-V
Burke Co.	8,080	286	1	1	1964-V
Cabarrus Co.	6,981	840	28	5	1964-C
Caswell Co.	2,394	3,124	13	3	1963-C
Chapel Hill	3,429	1,039	238	5	1960-V
Charlotte-Mecklenburg ..	53,088	20,035	822**	23	1957-V
Clay Co.	1,266	—	4	1	1964-V
Craven Co.	5,788	2,709	43	4	1959-V
Cumberland Co. ..	18,002	5,871	51	4	1963-V
Davidson Co.	11,673	244	3	1	1964-V
Durham	7,814	7,129	436	14	1959-V
Durham Co.	8,698	2,724	10	2	1963-V
Edenton	972	1,431	24	2	1963-V
Elizabeth City ...	2,105	1,796	5	1	1964-V
Elkin	1,305	41	32	3	1963-V
Fayetteville	6,766	5,070	1,000**	8	1962-V
Gaston Co.	20,436	3,012	6	2	1963-V
Gastonia	6,086	1,817	1	1	1963-V
Goldsboro	4,571	3,933	23	3	1962-V
Graham Co.	1,724	—	—	3	1964-V
Greene Co.	2,043	3,031	2	1	1964-V
Greenville	3,706	2,175	2	1	1964-V
Greensboro	21,234	7,579	500**	16	1957-V
Guilford Co.	18,103	2,780	34	7	1963-V
Halifax Co.	2,668	8,314	6	1	1964-C
Harnett Co.	8,584	4,259	6	3	1964-C
Henderson	2,626	2,625	4	1	1963-V
Henderson Co. ...	6,623	—	2	1	1964-V
Hendersonville ...	1,604	468	42	3	1964-C
High Point	9,351	3,357	99	7	1962-V
Hoke Co.	2,384	2,567	1	1	1964-V
Iredell Co.	7,303	1,766	5	1	1964-V
Jackson Co.	3,538	78	6	2	1964-V
Kinston	3,493	2,986	2	1	1964-V
Leaksville	4,013	861	5	3	1964-V
Lenoir	1,858	782	4	1	1964-V
Lexington	3,891	1,333	18	4	1964-C
Macon Co.	3,484	63	4	1	1964-V
Madison Co.	3,603	12	5	1	1964-V
Madison-Mayodan.	1,926	691	4	1	1964-V
Martin Co.	3,321	4,531	18	1	1964-V
McDowell Co.	3,926	—	12	1	1964-V
Monroe	2,190	951	6	1	1964-V
Morganton	2,136	628	38	5	1963-V
Mount Airy	2,639	572	8	2	1963-V
Murphy	1,443	52	18	1	1964-V
New Bern	3,496	2,314	21	4	1964-V
New Hanover Co.	12,251	5,696	19	6	1962-V
Newton	2,481	574	5	1	1964-V
Onslow Co.	10,263	2,925	32	5	1964-V
Orange Co.	2,886	1,960	4	1	1963-V
Perquimans Co. .	1,131	1,357	4	1	1964-V
Person Co.	4,247	3,120	29	2	1963-V
Polk Co.	1,683	196	6	1	1964-V
Raleigh	13,913	5,837	70	8	1960-V
Randolph Co. ...	9.876	893	19	2	1963-V
Reidsville	2,953	1,772	31	5	1963-V
Rockingham Co. .	4,617	1,308	1	1	1964-V
Rocky Mount ...	4,522	3,143	25	3	1963-V
Rowan Co.	11,317	2,711	4	1	1963-V
Salisbury	2,808	1,368	13	3	1962-V
Sampson Co.	5,490	4,231	—	6	1963-V
Shelby	3,837	1,194	22	2	1963-V
Stanly Co.	5,967	827	2	1	1964-V
Statesville	3,698	1,194	26	3	1963-V
Surry Co.	7,525	149	106	5	1963-V
Tarboro	2,249	1,555	5	1	1964-V
Thomasville	3,029	975	14	2	1963-V
Transylvania Co. .	4,125	202	76	2	1962-V
Tryon	682	180	30	2	1964-V
Wake Co.	15,232	7,257	7	1	1963-V
Warren Co.	2,052	3,999	16	4	1964-V
Watauga Co.	3,928	6	5	1	1964-V
Wayne Co.	8,253	4,403	64	2	1963-V
Weldon	882	1,638	3	2	1964-V
Wilkes Co.	8,904	628	6	1	1964-V
Winston-Salem-Forsyth	34,161	12,416	350**	9	1957-V
Yancey Co.	3,382	16	18	3	1960-C
TOTALS ...	551,658	203,166	4,949	274	

*Note that there are some figures missing. This report is taken from state figures and apparently some systems are still reluctant to give figures on race. There are Negro pupils in every school district, according to the state, although such figures may not be recorded here.

**Includes Negroes in predominantly Negro school attended by a few whites.

TEACHERS

The Winston-Salem/Forsyth County school system desegregated the faculty at Hanes Junior High School for 1964-65. The school has a white administrative staff, six Negro teachers and eight white teachers, for a student body about 60 per cent Negro. The school system also has one Negro teacher at the desegregated, predominantly white Easton School. A desegregated school in Greensboro has an all-white faculty, but a predominantly Negro student body.

HIGHER EDUCATION

All 17 public-supported colleges in North Carolina operate on a desegregated policy. All three branches of the Consolidated University of North Carolina have been desegregated in policy since five Negro students enrolled in the university law school under a 1951 court order in *McKissick v. Carmichael*. Only one college, Pembroke, established originally for Indians, has no Negroes enrolled. The enrollments are:

Predominantly White Senior Colleges	Enrollment* White	Enrollment* Negro	Date Deseg.
Appalachian State	3,358	70	1963-V
Asheville-Biltmore	464	6	1961-V
Charlotte	1,506	6	1961-V
East Carolina	6,554	45	1962-V
N.C. State	8,818	60	1953-V
Pembroke	1,058	0	1963-V
Univ. of N.C.			
Chapel Hill	12,073	82	1951-C
Greensboro	4,140	109	1956-V
Western Carolina	2,425	6	1957-V
Wilmington	948	20	1962-V
Predominantly White Junior Colleges			
Central Piedmont	224	15	1961-V
College of Albemarle	261	21	1963-V
Gaston	647	49	1964-V
TOTALS	42,476	489	
Predominantly Negro Senior Colleges			
A&T College	8	3,192	1957-V
Elizabeth City State	1	924	1963-V
Fayetteville State	3	1,097	1963-V
N.C. College	1	2,800	1963-V
Winston-Salem State	1	1,109	1963-V
TOTALS	14	9,122	
STATE TOTALS	42,490	9,611	

*Figures are estimates, because exact figures on race are not kept in the colleges. During the past year all-Negro Mecklenburg Junior College was absorbed by Central Piedmont Junior College.

FACULTIES

Two predominantly Negro colleges, Winston-Salem State and North Carolina College, employ white faculty members on both a full-time and part-time basis. During the 1963-64 school year, N.C. State of the University of North Carolina in Raleigh employed a Negro visiting professor. The University of North Carolina in Chapel Hill currently is using a Negro professor on a visiting basis in cooperation with Duke University in Durham, a private college.

SPECIAL SCHOOLS

The state operates industrial education centers throughout the state for students beyond the high school level, although some do include high school students. By policy, all are operated on a desegregated basis. Race is not a factor for entry. No exact figures are available in this area. The state also operates the Governor's School at Salem College in Winston-Salem each summer and the North Carolina Advancement School in Winston-Salem during the regular school year. Both are experimental projects, operating with interracial faculties as well as student bodies.

ETHNIC GROUPS

Legal action (*Chance v. Harnett County*) in behalf of 50 Indians resulted in the closing of the Maple Grove Indian School in Harnett County. The 38 students were assigned to the predominantly white Dunn School, beginning with the 1964-65 school year. This action was voluntary. The Maple Grove School had been founded 41 years earlier when Indians refused to send their children to either all-white or all-Negro schools. Indians first attended white schools in Harnett County in 1961 after staging a sit-in in the Dunn School. Indians are now segregated in only one county, Robeson, although some do attend predominantly white schools. Robeson operates a four-way school system with separate schools for whites, Negroes, Indians and Smilings, a mixed blood group. Robeson first desegregated Indians in 1962 by admitting seven Lumbee Indians to Lumberton Junior High. Person County, N.C., and Halifax County, Va. closed a jointly operated Indian school, High Plains, in 1962 to save money for both counties. Sampson County and Clinton city systems desegregated Indians in September, 1963, following a suit by the Indians.

LITIGATION (41)

Barrow et al v. Washington City Board of Education

James R. Barrow, a Negro later joined by others, filed suit Sept. 23, 1963, in U.S. District Court seeking admission of his children to an all-white school. Pending.

Becton v. Greene County Board of Education (Later *Farmer v. Greene County)*

Filed in U.S. District Court, July 1, 1960, as class action. U.S. Fourth Circuit Court of Appeals on April 14, 1964, ordered Negroes to apply for admission to white schools. On May 1, 1964, circuit court ordered the case returned to U.S. District Court. Pending.

Belo v. Randolph County Board of Education

Parents of 11 Negro children filed suit Oct. 22, 1962, in U.S. District Court, charging the board with maintaining segregation in the county schools. The suit also seeks teacher desegregation. Schools desegregated Sept. 11, 1963, as result of pretrial conference Sept. 6, 1963, called by District Judge Edwin M. Stanley. Parties agreed to freedom-of-choice transfer plan for 1964-65; approved by U.S. District Court March 20, 1964.

Bowditch et al v. Buncombe County Board of Education

Filed Jan. 23, 1964. U.S. District Judge J. Braxton Craven approved stairstep plan on July 16, 1964. Negro plaintiffs' appeal pending.

Burns v. Wilkes County Board of Education

Filed Sept. 30, 1963, in U.S. District Court as class action seeking to get board to assign students on non-racial basis and offer plan for school desegregation.

Cabaniss v. Shelby Board of Education

Parents of Rayfield Cabaniss filed suit in U.S. District Court on March 16, 1963, against Shelby school board, claiming a class action and seeking son's transfer from a Negro school to a white school. On Aug. 27, 1963, the school board assigned Cabaniss and three other Negroes to previously white Shelby High School. This was also date of pretrial hearing by District Judge Wilson Warlick, who ruled the case was not a class action.

Carson v. Warlick
Carson v. Board of Education of McDowell County
Joyner v. McDowell County Board of Education

Of the three related cases, *Carson v. Warlick* was the deciding action. The series of cases began with *Carson v. Board of Education of McDowell County,* filed before the 1954 segregation cases were decided. Plaintiffs sought equal facilities and the right to attend school without regard to race. After the segregation cases were decided, the Western District Federal Court dismissed the suit on the ground that relief sought was then available. On appeal, the U.S. Fourth Circuit Court of Appeals reversed and ordered the district court to reconsider the case in the light of North Carolina's School Placement Law. Action was subsequently brought in North Carolina State Court, *Joyner v. McDowell County Board of Education.* This action involved some of the same plaintiffs as did the original case. The North Carolina Supreme Court held in 1956 that the action was improperly brought because more than one person was party to it and the North Carolina Placement Law dealt only with an individual student's assignment. Thereafter, the plaintiff's returned to Western District Federal Court, filed a supplemental complaint and sought a declaratory judgment on the right to attend school without regard to race. District Court Judge Wilson Warlick refused to grant the relief sought on the ground that state administrative remedies had not been exhausted. Then, in *Carson v. Warlick,* the plaintiffs went to U.S. Fourth Circuit Court of Appeals for writ of mandamus to require the district court to vacate the proceedings and to permit the plaintiffs to file supplemental proceedings "as though the Pupil Enrollment Act had never been enacted." The Fourth Circuit, on Nov. 14, 1956, refused the writ and held that exhaustion by the plaintiffs of administrative remedies provided by the state was a necessary prerequisite to securing federal court action on their cases. The court held that the act was not unconstitutional on its face.

Chance et al v. Harnett County Board of Education

Filed in U.S. District Court on Oct. 17, 1960, after Harnett County Indians refused to return to Sampson County all-Indian school. The case became moot when Harnett County granted the Indians' request for assignment to Dunn High School. Indian elementary students applied for reassignment to white schools but their request was denied. They filed suit in August, 1961. Judge Wilson Warlick on Jan. 2, 1964, ordered school board to admit 27 Indian children to white elementary schools, adding that the case was not class action. County closed all Indian schools at end of 1963-64 school year.

Clayton v. Person County Board of Education

Filed as class action in September, 1963, in U.S. District Court, seeking desegregation plan.

Conley v. Transylvania County Board of Education

Filed Aug. 17, 1962, in U.S. District Court, seeking admission of 36 Negro children to junior and senior high schools with whites. District Judge Wilson Warlick advised both sides on March 11, 1963, to draw up a plan for desegregation and ordered desegregation of high schools during 1963-64 school year. Board complied.

Constantian v. Anson County

North Carolina Supreme Court on June 6, 1956, held that school bonds approved prior to 1954 and ostensibly for the purpose of maintaining segregated schools could be used for public schools nevertheless. The court held North Carolina's school segregation laws to have been invalidated by the 1954 U.S. Supreme Court decision, but held the segregation provisions severable and ruled that the provisions for state-supported public schools were still valid.

Covington v. Edwards

U.S. District Court in 1956 held that no constitutional issue was presented. The court held Sept. 12, 1958, that class action, brought in 1955 against Montgomery County school officials, should be dismissed for failure to allege the exhaustion of administrative remedies. Plaintiffs had contended that passage of time since 1954 had made exhaustion of administrative remedy unnecessary in view of lack of desegregation plan by Montgomery Board of Education. Court held integration not required by 1954 School Segregation Cases.

Du Vissette v. Cabarrus County Board of Education

Parents of 108 Negro children filed suit Oct. 25, 1963, in U.S. District Court, seeking desegregation of Cabarrus County schools in both student body and faculty. The school board answer noted that it had set a new policy, effective during 1964-65 school year, that parents of any child may request and receive a transfer "without cause or reason." Judge Edwin M. Stanley approved plan for open assignment of Negroes by request to predominantly white schools, with both sides to agree on desegregation plan for 1965-66.

Eaton v. New Hanover County

Filed March, 1964, in U.S. District Court to halt discriminatory operation of public schools. Pending.

Felder et al v. Harnett County Board of Education

Filed in U.S. District Court Oct. 9, 1963, as class action, in behalf of 19 Negro children seeking permanent injunction against Harnett County Board of Education. Judge Algernon Butler ordered board to assign Negro to white school and to adopt non-discriminatory plan of assignment on Aug. 14, 1964. School board appealed.

Ford v. Cumberland County Board of Education

Filed in July, 1963, in U.S. District Court. Horace Ford claimed his two daughters were denied constitutional rights because Cumberland County officials operated segregated school system, and asked board to set up complete desegregation plan. Both sides on May 6, 1964, agreed to open-enrollment plan for desegregation.

Frazier v. Board of Trustees of the University of North Carolina

Negro youths sought and obtained from a three-judge court, sitting in U.S. Middle District Court, Sept. 16, 1955, a ruling that the School Segregation Cases rule was applicable to colleges as well as primary schools.

Gill v. Concord City Board of Education

Filed Dec. 12, 1963, in U.S. District Court; court approved plan agreed to by both sides May 6, 1964.

Gilmore et al v. High Point City Board of Education

Filed March 13, 1963, in U.S. District Court in behalf of eight Negro children, seeking to extend desegregation of High Point school system in assignment of students, teachers and school personnel. Judge Edwin M. Stanley in a pretrial conference Sept. 6, 1963, suggested that both sides work out their differences in conference. Judge Stanley approved desegregation plan agreed to by both sides April 16, 1964.

Griffith v. Robinson et al

Filed on Nov. 11, 1959, in U.S. District Court by Negro children seeking to enter Yancey County schools instead of traveling about 80 miles daily to schools outside the county. The county had been without schools for Negroes for two years when the suit was filed. After the first hearing, the county built a two-room elementary school. The suit was amended to challenge this. U.S. District Judge Wilson Warlick in December, 1960, ordered Negro children admitted to the two high schools but gave the county time to restudy the Negro assignments to the elementary school. Judge Warlick on Aug. 13, 1962, ruled against a Negro boy seeking a transfer from the Negro elementary to a white school, ruling that the white school was overcrowded and the other was not. Judge Warlick ruled on Sept. 26, 1963, that Yancey County must have complete desegregation of all schools, including two-room Negro Oak Crest School, by end of 1963-64 fall semester.

Holt v. Raleigh Board of Education

Filed in U.S. District Court in 1957, by Negro seeking admission to white high school nearer his home. The court held in 1958 that the plaintiff had failed to exhaust the administrative remedies under the Pupil Placement Act and it was necessary for the pupil and parents to appear at a school board hearing instead of being represented by an attorney. The U.S. Fourth Circuit Court of Appeals upheld on March 19, 1959. The U.S. Supreme Court declined to review.

Hunter et al v. Raleigh City Board of Education

Filed on May 31, 1961, to desegregate Raleigh schools. Raleigh had admitted its first Negro to a school with whites in 1960. The case is pending.

In re: Applications for Reassignment

Filed in 1957 in Superior Court by three whites to appeal assignments of Negroes to formerly all-white Greensboro schools. Court dismissed on grounds that state assignment law allowed parent to request reassignment of his own child, not to appeal assignment of other pupils. State Supreme Court affirmed on Jan. 10, 1958.

Jeffers v. Whitley

Negro parents of 43 school children filed suit in U.S. District Court in 1956 to desegregate the schools. The action was filed against Caswell County and state officials but the action as to the latter was dismissed on the ground that they had no authority over specific pupil assignment. On Aug. 4, 1961, the court held that five Negroes had exhausted the administrative remedies but that they could not bring a class action. On Dec. 29, 1961, U.S. District Judge Edwin M. Stanley held that two Negroes were entitled to enroll at Murphy School at the beginning of any regular semester. The Negroes did not apply but on appeal, the U.S. Fourth Circuit Court of Appeals ruled on Oct. 12, 1962, that the county had applied the Pupil Assignment Law unconstitutionally. Judge Stanley on Dec. 21, 1962, ordered the Caswell County school board to desegregate schools. Schools desegregated Jan. 22, 1963. On April 11, 1963, Judge Stanley refused to order special bus service for Negroes.

McCoy v. Greensboro City Board of Education

Filed Feb. 10, 1959, in U.S. Middle District Court, seeking admission to white schools. Admission obtained by voluntary board action, however, and then motion amended by remaining plaintiffs who contended board's action in turning former white school into all-Negro school was part of systematic pattern of segregation. Court held Jan. 14, 1960, that it could not interfere with operation of schools.

Joyner v. McDowell County (See *Carson v. Warlick*)

McKissick v. Carmichael

U.S. Fourth Circuit Court of Appeals in 1951 ordered the University of North Carolina Law School opened to Negroes. The court stressed the prestige, reputation and high standing of the school as the determining factors in showing the disparity between it and the law school established at the North Carolina College in Durham.

McKissick v. Durham City Board of Education

Filed May 12, 1958, as petition for admission to white schools. Sought to have Pupil Placement Law declared unconstitutional as administered by Durham Board of Education. U.S. District Court held on Sept. 4, 1959, that plaintiffs had failed to appear at the school board hearing and had not exhausted their administrative remedies. Dismissed.

Morrow v. Mecklenburg County Board of Education

Filed Feb. 10, 1959, in Western District Federal Court, after 1958 and 1959 refusals by board to transfer Negro students to white schools. Judge Wilson M. Warlick ruled in June, 1961, that admission had not been denied because of race. System merged in 1960 with Charlotte, which had desegregated voluntarily earlier. Case dismissed on Aug. 31, 1961, when Judge Warlick ruled that an appeal had not been perfected in time and inadequate reason for delay had been offered.

NAACP v. Eure, Secretary of State

North Carolina Supreme Court held Jan. 11, 1957, that NAACP must register under General Statute Chapter 120, *Article 10.*

Nesbitt v. Statesville City Board of Education

Filed March 14, 1964, in U.S. District Court. Judge J. B. Craven Jr. approved three-year desegregation plan Aug. 2, 1964. Negro plaintiffs appealed.

Sowers v. Lexington City Board of Education

Filed March 4, 1964, in U.S. District Court. Judge Edwin M. Stanley approved free-choice plan agreed to by both sides May 14, 1964. On Sept. 2, 1964, Judge Stanley ordered admission of 10 Negro children to Lexington High School when school board refused assignment because of overcrowding.

Spaulding v. Durham City (See *Wheeler v. Durham*)

Thompson et al v. Durham County Board of Education et al

Parents of 61 Negro children filed class action July 23, 1963, in U.S. District Court seeking desegregation of Durham County schools. Judge Edwin M. Stanley approved freedom-of-choice plan agreed to by both sides on March 31, 1964, for 1964-65, with permanent plan to be approved later.

Turner et al v. Warren County Board of Education

Filed Nov. 2, 1963, in U.S. District Court seeking complete desegregation of Warren County schools at all levels. Court ruled, May 6, 1964, against defendants' objections and conferred on plaintiffs' plan. Court approved plan June 17, 1964.

Vickers v. Chapel Hill City Board of Education

Filed Feb. 2, 1960, in Middle District Court, after denial of transfer in 1958 and 1959. Judge Edwin M. Stanley ruled Aug. 4, 1961, that the student was entitled to attend a school that was no longer closer to his home than a Negro school because, had he been assigned without regard to race, he normally would have moved from a nearby white school to which he first sought admission to the now more distant junior high school.

Wheeler v. Durham City Board of Education
Spaulding v. Durham City Board of Education

Wheeler, filed April 29, 1960, and Spaulding, filed Sept. 12, 1960, and consolidated for argument. Involved denial of transfer requests of students in fall of 1959 and 1960. Judge Edwin M. Stanley, in Middle District Court, held that students were entitled to have the board stop using a "white" attendance map and a "Negro" attendance map in making initial assignments. On restudy before school opened in fall of 1961, board admitted six of the plaintiffs. Further reports were to be made to the court on disposition of other applications. On April 11, 1962, the District Court dismissed the case. The U.S. Fourth Circuit Court of Appeals ruled Oct. 12, 1962, that the Durham board must submit a suitable plan for ending "existing discrimination" or stop applying the State Pupil Assignment Law in "an unconstitutional manner." District Judge Stanley on Dec. 21, 1962, ordered open admission of Negroes by request to all schools except high schools. On July 7, 1963, he rejected a Durham school board plan giving freedom of choice to children in elementary school during 1963-64 school year and to all children in 1964-65 school year. Fourth Circuit Court on Jan. 27, 1964, ruled that board must abide by freedom-of-choice plan. Judge Stanley ruled in August, 1964, against board's proposed plan and continued open enrollment in city schools.

Williams et al v. Hendersonville City School Board

Filed Oct. 11, 1963, in U.S. District Court. Court approved desegregation plan April 2, 1964, agreed to by both sides.

Wynn v. Charlotte Community College System Trustees

Filed in Mecklenburg County Superior Court on May 15, 1961, by Negroes requesting an injunction to stop construction of Carver College, one of two community colleges. On May 22, 1961, Judge Susie Sharp refused the injunction on the grounds that no student had been barred from either school on the basis of race. The State Supreme Court affirmed the decision on Nov. 8, 1961.

Ziglar et al v. Reidsville Board of Education

Class action filed in U.S. District Court on Nov. 30, 1962, by parents of four Negro children charging that Reidsville operated a racially segregated school system. (Schools have begun desegregation). Judge Edwin M. Stanley on Sept. 6, 1963, advised both sides to work out their differences. Freedom-of-choice plan approved March 20, 1964.

LEGISLATION (11)

1955

Res. 29—Created Advisory Committee on Education.

Ch. 366—Established Pupil Placement Law. Amended by *Ch. 7*, 1956.

Ch. 664—Repealed teachers' continuing contract law.

Ch. 1372—Revised general education law to eliminate reference to race and to transfer school bus titles to counties.

1956

(Extra Session)

Ch. 1—Proposed amendment to North Carolina constitution to provide for educational expense grants and local option on closing public schools. Approved in state referendum Sept. 8, 1956.

Ch. 2—Provided for election to consider adoption of *Ch. 1.*

Ch. 3—Provided granting state funds as "education expense grants" to children whose parents object to their assignment to schools with another race. Grants available only for private nonsectarian schools.

Ch. 4—Provided local option on school closings.

Ch. 5—Amended compulsory school attendance law to provide for granting "education expense grants."

Ch. 6—Provided funds to implement the "education expense grants."

Ch. 7—Amended school placement law, *Ch. 366* of 1955.

OKLAHOMA

Elementary and High Schools

1,118 Districts: 242 with Negroes and Whites; 200 Desegregated

	White	Negro	Total
Enrollments*	542,103	43,954	586,057
Teachers	23,022	1,427	24,449

*Totals are official; racial breakdowns are estimated.

Colleges and Universities

All 23 Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	22	1	23
Enrollment	63,051	925	63,976

Status of Segregation-Desegregation

PUBLIC SCHOOLS

Oklahoma has 200 desegregated school districts, but seven are desegregated in policy only. The first district to desegregate, Poteau, acted voluntarily June 7, 1955. Four districts desegregated by court order, and the others acted voluntarily. State records are not kept by race, but an estimated 324,981 whites and 37,026 Negroes are believed enrolled in the 200 desegregated districts. Updating of a 1961 official state survey indicates that an estimated 13,923 Negroes are attending 509 schools with whites. The desegregated districts are listed below by county, with districts desegregated in policy only identified by the letter "P":

- Atoka
  - Atoka
  - Stringtown
- Beckham
  - Elk City
- Blaine
  - Fay
  - Geary
  - Greenfield
  - Watonga
- Bryan
  - Achille
  - Bokchito
  - Colbert
- Caddo
  - Anadarko
  - Apache
  - Binger
  - Cement
  - Fort Cobb
  - Gracement
  - Hinton
  - Oney
- Canadian
  - El Reno
  - Dependent-70
- Carter
  - Ardmore
  - Berwyn
  - Dickson (P)
  - Graham
  - Springer
- Cherokee
  - Tahlequah
  - Norwood
- Choctaw
  - Hugo (P)
- Cleveland
  - Moore
  - Norman
  - Stella
- Coal
  - Coalgate
  - Olney
- Comanche
  - Lawton
- Cotton
  - Temple
- Craig
  - Vinita
  - Whiteoak
- Creek
  - Bristow
  - Depew
  - Drumright
  - Gypsy
  - Milfay
  - Newby
  - Slick
  - Oilton
  - Olive
  - Sapulpa
- Custer
  - Clinton
  - Weatherford
- Garfield
  - Drummond
  - Enid
- Garvin
  - Katy
  - Pauls Valley
  - Pernell
  - Roady
  - Satterwhite
  - Wynnewood
- Grady
  - Chickasha
  - Rush Springs
- Greer
  - City View
  - Mangum
- Harmon
  - Arnett
  - Gould
  - Hollis
  - Louis Hill
  - Ron
- Haskell
  - Kinta
- Hughes
  - Dustin
  - Fairview
  - Holdenville
  - Wetumka
- Jackson
  - Altus
  - Duke
  - Southside (P)
- Jefferson
  - Ryan
  - Waurika
- Johnston
  - Fillmore
  - Milburn
  - Tishomingo
- Kay
  - Newkirk
  - Ponca City
- Kingfisher
  - Dover
  - Kingfisher
  - Lacy
- Kiowa
  - Gotebo (P)
  - Hobart
  - Roosevelt
  - Snyder
- Latimer
  - Wilburton
- LeFlore
  - Panama
  - Poteau
  - Spiro
- Lincoln
  - Carney
  - Chandler
  - Davenport
  - Prague
  - Stroud
  - Wellston
  - White Rock
- Logan
  - Coyle
  - Crescent
  - Guthrie
- Love
  - Marietta
- McClain
  - Blanchard
  - Purcell
  - Rosedale
- McIntosh
  - Checotah
  - Hannah
  - Pierce
  - Stidham
  - Tiger Mountain
- Major
  - Cleo Springs (P)
- Marshall
  - Madill
- Mayes
  - Chouteau
  - Strang
- Murray
  - Davis
  - Sulphur
  - Woodland
- Muskogee
  - Boynton
  - Fort Gibson
  - Muskogee
  - Wainwright
  - Webbers Falls
- Noble
  - Perry
- Nowata
  - Alluwe
  - Lenapah
  - Nowata
- Okfuskee
  - Bearden
  - Paden
  - Weleetka
- Oklahoma
  - Arcadia
  - Choctaw
  - Jones
  - Luther
  - Midwest City
  - Millwood
  - Oklahoma City
- Okmulgee
  - Dewar (P)
  - Eram
  - Henryetta
  - Liberty
  - Morris
  - Nuyaka
  - Preston
  - Schulter
- Osage
  - Fairfax
  - Hominy
  - Pawhuska
- Pawnee
  - Cleveland
  - Pawnee
  - Ralston
- Payne
  - Cushing
  - Norfolk
  - Perkins
  - Stillwater
- Pittsburg
  - Alderson
  - Canadian
  - Hartshorne
  - McAlester
- Pontotoc
  - Ada
  - Byng
- Pottawatomie
  - Earlsboro
  - Harjo
  - Macomb
  - McLoud
  - Shawnee
- Pushmataha
  - Antlers
  - Tuskahoma
- Rogers
  - Chelsea
  - Claremore
- Seminole
  - Cromwell
  - Excelsior
  - Konawa
  - New Lima
  - New Model
  - Pleasant Grove
  - Prairie Valley
  - Sasakwa
  - Seminole
  - Wewoka
- Sequoyah
  - Glans
  - Muldrow
  - Roland
  - Sallisaw
  - Vian
- Stephens
  - Duncan
- Tillman
  - Frederick
  - Grandfield
  - Weaver (P)
- Tulsa
  - Broken Arrow
  - Jenks
  - Sand Springs
  - Tulsa
  - Union
- Wagoner
  - Coweta
  - Hidden Valley
  - Porter
- Washington
  - Bartlesville
  - Dewey
- Washita
  - Sentinel

TEACHERS

More than 56 Negro teachers are believed to be on desegregated faculties in at least six districts: Arcadia, Oklahoma City, Ponca, Slick, Tulsa and Vinita. An estimated 396 Negro teachers have lost their jobs because of desegregation.

HIGHER EDUCATION

All 23 public colleges and universities are desegregated in practice or policy. Oklahoma admitted its first Negro (G. W. McLaurin) to the University of Oklahoma graduate division in accordance with a U.S. District Court order on Oct. 6, 1948. (*McLaurin v.*

Oklahoma State Regents). U.S. Supreme Court had held Ada Lois Sipuel was entitled to a legal education by the state under the "equal protection" clause of the 14th amendment. (*Sipuel v. Board of Regents*). A June 9, 1949, legislative act permitted Negroes to attend white colleges for courses not given at Negro institutions, provided the Negro student remained segregated within the college. A three-judge U.S. District Court held Nov. 22, 1949, that the segregation within the OU graduate division did not deprive McLaurin of his rights under the 14th Amendment. This decision was reversed June 5, 1950, by the U.S. Supreme Court, which ruled segregated facilities within the institution deprived McLaurin of equal protection. The State Board of Regents for Higher Education then adopted a policy of admitting Negroes to any course in a white college not offered by Langston University. On June 6, 1955, the board opened all state-owned colleges and universities to qualified undergraduates of all races. College enrollments are:

Predominantly White Senior Colleges	Enrollment* White	Enrollment* Negro	Date Deseg.
Central State	6,670	296	1955-V
East Central State	2,311	10	1955-V
Northeastern State	4,070	68	1955-V
Northwestern State	1,535	0	1955-V
Okla. College for Women	641	10	1955-V
Okla. State Univ.	16,848	227	1955-V
Panhandle A&M	911	2	1955-V
Southeastern State	2,163	12	1955-V
Southwestern State	3,135	24	1955-V
University of Okla.	15,771	77	1948-C
State Junior Colleges			
Cameron State Agricultural	1,994	33	1955-V
Connors State Agricultural	504	15	1955-V
Eastern Okla. A&M	861	18	1955-V
Murray State Agricultural	533	16	1955-V
Northeastern Okla. A&M	1,712	0	1955-V
Northern Okla. Junior	801	0	1955-V
Oklahoma Military Academy	675	0	1955-V
Municipal Junior Colleges			
Altus Junior	417	19	1959-V
El Reno Junior	204	3	1956-V
Poteau Community	114	21	1955-V
Sayre Junior	224	0	1954-V
Seminole Junior	106	0	1957-V
TOTALS	62,200	851	
Predominantly Negro State Senior College			
Langston University	2	923	1955-V
STATE TOTALS	62,202	1,774	

*Racial breakdowns are estimates based on official total enrollments.

FACULTIES

The University of Oklahoma has one Negro on its faculty (School of Nursing), plus two or three who are graduate assistants. Langston University has one white faculty member.

SPECIAL SCHOOLS

Sulphur School for the Blind accepts Negroes. However, most are in the Deaf, Blind, and Orphan School for Negroes at Taft. The 1963 legislature ordered the Negro retarded children from Taft hospital transferred to the other schools for mentally retarded. Special education classes in Oklahoma City have both Negroes and white pupils. The state attorney general ruled in March, 1964, that state laws did not require racial segregation in state training schools for boys and girls.

ETHNIC GROUPS

This has never been an issue in Oklahoma. Indians and other non-whites attend white schools. There are about nine Indian boarding schools operated by the federal government. Indians, many of whom are from out of the state, attend them as a matter of choice because room and board are free.

LITIGATION (22)

Appeal by Curtis L. Smith from order of county superintendent of schools, Oklahoma County, denying request for transfer from Arcadia school to Jones school

Filed June 19, 1957, in Oklahoma County district court. (Three similar appeals also filed). Order denying transfer reversed by district court June 27, 1957.

Appeal by Independent School District 1-5, Arcadia, from order of transfer issued by Oklahoma County superintendent of schools

Filed June 19, 1959, in Oklahoma County district court, alleging school superintendent allowed white children to transfer out of district for "health" whereas real reason was the fact school was desegregated and had more Negro than white pupils. Court on June 29, 1959, sustained superintendent's demurrer, thus denying request that he be enjoined from allowing transfers.

Appeal by Lunett Wilbanks from order of Oklahoma County superintendent of schools denying transfer from Arcadia school to Choctaw school

Filed June 19, 1958, in Oklahoma County district court. (Eleven similar appeals also filed.) Order denying transfer affirmed in district court June 26, 1958.

Bailey v. Hodge et al

Filed March 15, 1957, in U.S. District Court (western) to restrain defendants from discriminating against plaintiff by denying her admission to Oklahoma School for the Deaf, Sulphur. Journal entry judgment filed July 31, 1957, that any Negro of proper age be admitted to school beginning Sept. 2, 1957, or any subsequent semester.

Borrough et al v. Elmer Jenkins, Superintendent of Red Bird Dependent School District et al

Filed Sept. 26, 1955, in U.S. District Court (eastern) alleging racial discrimination by defendant in refusing to cancel transfers of 14 Negro children from Porter and Coweta to all-Negro Red Bird school. Court ruled Dec. 16, 1955, that it was a question of local fiscal policies, not of racial discrimination, and sustained defendants' motion to dismiss.

Brown et al v. Long et al

Filed March 14, 1957, in U.S. District Court (eastern) to desegregate Morris High School. Court on Sept 21, 1957, ordered Morris District to admit Negroes to high school. Intervenor petition by George Dalcour filed Aug. 25, 1958, in U.S. District Court to gain transfer of son, Edward, from all-Negro Grayson school to biracial Morris High School. Court denied petition Oct. 10, 1958, ruling plaintiff failed to follow legal procedure by not appealing Morris board's refusal to transfer.

Butler et al v. Grant Independent School District et al

Filed June 14, 1956, in Choctaw County district court to gain admission of 35 Negroes to Grant High School; suit alleged school board fraud in transferring Negroes to Hugo's Booker T. Washington when transfers not requested. Court records show no hearing nor other disposition.

Carr et al v. Cole et al

Filed Jan. 10, 1957, in U.S. District Court (western), seeking admission of Negroes to public schools of Earlsboro District. Court granted permanent injunction Jan. 17, 1957, to prevent discrimination against plaintiffs on account of race or color.

Dowell v. The Board of Education

Filed in U.S. District Court for Western Oklahoma Oct. 9, 1961, asking that Oklahoma's pupil transfer law be declared unconstitutional and that defendants be enjoined from transferring students to schools in

Oklahoma City on a basis of race and color. Three-judge court assigned Oct. 11, 1961. On July 10, 1962, the three-judge court dissolved, holding that it lacked jurisdiction and that the defendant did not discriminate against Negroes in designating schools for students to attend. Amended complaint filed Aug. 22, 1962, alleging specific acts of discrimination. U.S. District Judge Luther Bohanon denied motion to dismiss on Nov. 7, 1962. Judge Bohanon issued order July 11, 1963, banning pupil transfers based on race and requiring immediate desegregation of supervisory and teaching personnel; school board given 90 days to file plan for complete desegregation. On Feb. 28, 1964, the court refused to approve or disapprove the board's proposed plan The court called for a study by an outside expert and after the board declined to do this, the court on May 13, 1964, appointed a panel of three educators to make the study.

Mildred King George v. Joint School District No. 5, Kingfisher County (Lacy)

Filed June 28, 1956, Kingfisher County district court claiming breach of Negro's teacher contract. State supreme court on Nov. 14, 1957, affirmed lower court action sustaining demurrer by defendant.

Ulysses S. Grant et al v. Paul R. Taylor et al

Filed Sept. 24, 1954, in U.S. District Court (western) to force admission of three Negro students to El Reno Junior College. Declared moot same court Aug. 22, 1955, on grounds El Reno school board had complied with U.S. Supreme Court order by admitting Negroes to junior college.

Hill et al v. Board of Education of New Lima School District et al

Filed Sept. 10, 1963, in U.S. District Court to gain admission of 12 Negro children to all-white New Lima elementary school, Seminole County. Consent decree on June 22, 1964, ordered plaintiffs admitted; all Negroes to have choice of school in 1965.

Hole et al v. Wilson et al

Filed Aug. 15, 1955, in Cleveland County district court to enjoin Stella school board from moving furniture and equipment from white school into Negro school building. Court granted temporary injunction Aug. 26, 1955, with stipulation school opening be allowed. Dismissed Sept. 6, 1955, by plaintiff's attorney without prejudice.

Jefferson et al v. McCart et al

Filed Aug. 25, 1958, U.S. District Court to desegregate Liberty School. Okmulgee County Court on Oct. 10, 1958, ordered Negroes admitted to the school.

Kansas City Southern Railway et al v. Ferguson et al

Several railroads sought to recover taxes paid under protest. Case involved question of whether Negro or white school in tax district was the "majority" school, and railroad claimed "majority" Negro school had been annexed by "minority" white school in violation of state law. State trial court denied recovery and State Supreme Court affirmed on Jan. 8, 1957. (See *Shoates v. Howery.)*

McHenry and Matlock v. Wagoner County Board of Commissioners

Filed June, 1954, in Wagoner County district court, protesting use of $431,000 bond issue approved Feb. 9, 1954, for separate school buildings and sites. Oklahoma Supreme Court ruled February, 1955, that U.S. Supreme Court order limited only use of school property, not its construction.

McLaurin v. Oklahoma State Regents

U.S. District Court on Oct. 6, 1948, ordered the admission of G. W. McLaurin to the University of Oklahoma. In 1950, the U.S. Supreme Court held that McLaurin was handicapped in being taught in segregated conditions and ordered that he receive the same treatment as other races.

Riddle et al v. Wagoner County Board of Commissioners et al

Filed Oct. 7, 1955, in Wagoner County district court to enjoin county from delivering $431,000 in bonds and proceeding with construction of new Negro school at Wagoner and remodeling others at Coweta, Porter and Okay. Defendant's motion for new trial overruled June 16, 1956, and notice to appeal given by Max Finley, county attorney. Oklahoma Supreme Court records show no appeal filed.

Shoates et al v. Howery et al

Negroes filed suit in U.S. District Court to stop dissolution of school district by Oklahoma State Board of Education. Court on April 9, 1955, dismissed on the grounds that the case involved only a question of construction of state law, but suggested state laws were vulnerable to constitutional challenge. (See *Kansas City Southern Railway v. Ferguson.)*

Simms et al v. Hudson et al

Filed March 14, 1957, in U.S. District Court (eastern) to desegregate Preston High School. Court on Sept. 21, 1957, ordered Preston District to admit Negroes to high school. Granted additional time to arrange elementary desegregation, which began in August, 1958.

Sipuel v. Board of Regents

On Jan. 12, 1948, the U.S. Supreme Court held that the state must provide equal facilities for one race as soon as it does another race. It ordered Mrs. Ada Lois Sipuel admitted to the University of Oklahoma law school, which did not accept her until 1949, after it had admitted another Negro student by court order.

Troullier v. Oklahoma College for Women

Filed Oct. 8, 1954, in U.S. District Court (eastern) to require OCW to admit Negro as student in September, 1955, and to strike the Oklahoma law limiting attendance to "white female citizens" so Negroes would not be barred in the future. Court dismissed case July 29, 1955, holding legal controversy no longer existed because OCW had enrolled plaintiff.

LEGISLATION (5)

1955

HJR 504—Proposed constitutional ("Better Schools") amendment to substitute four-mill levy for all schools for previous three-mill operating and one-mill building taxes levied countywide for separate minority schools. Adopted at special election April 5, 1955.

Title 70, Ch. A—Retained definition of "separate school district" in school code but provided for support of both white and Negro schools and for pupil transfers by race.

Title 70, Ch. AB—Authorized schools on military reservations to conform with federal requirements.

1963

SB 175—Ordered Oklahoma Public Welfare Commission to transfer to the three state schools for mentally retarded, by July 1, 1964, the mentally retarded Negroes now at Taft State Hospital.

SB 273—Created state human rights commission, and prohibited discrimination in any state agency or department.

SOUTH CAROLINA

Elementary and High Schools

108 Districts: 108 With Negroes and Whites;
16 Desegregated

	White	Negro	Total
Enrollment	371,921	260,667	632,588
Teachers*	14,206	8,707	22,913

*Estimated

Colleges and Universities

Four Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	6	1	7
Enrollment	19,356	1,748	21,104

Status of Segregation-Desegregation

PUBLIC SCHOOLS

The first district to desegregate, Charleston District 20, admitted Negroes to its high schools with whites in September, 1963, by federal court order *(Brown v. School District 20)*. Clarendon County District One remains under a federal court order to desegregate "with all deliberate speed," in a case dating back to the original School Segregation Cases in the U.S. Supreme Court in 1954 *(Briggs v. Elliott)*. Aiken County announced it would desegregate voluntarily in September, 1965. The desegregated districts are:

District	Enrollment White	Enrollment Negro	Negroes w/Whites	Brcl. Schls.	Date Deseg.
Anderson Co. 1..	3,536	696	2	1	1964-V
Beaufort 1	3,586	4,660	18	4	1964-V
Charleston 20 ...	2,421	9,621	84	4	1963-C
Cooper River 4..	13,549	5,450	25	2*	1964-V
Darlington Co....	7,511	7,471	13	7	1964-C
Florence 1	7,861	5,794	1	1	1964-V
Greenville Co. ..	40,585	11,555	49	15	1964-C
Newberry Co. ..	3,980	3,009	1	1	1964-V
Oconee Co.	8,110	1,238	4	2	1964-V
Orangeburg 5 ..	3,328	4,045	18	4	1964-C
Pickens Co.	10,392	1,339	2	1	1964-V
Richland 1	20,212	12,980	22	6	1964-V
Richland 2	4,969	1,093	2	1	1964-V
Rock Hill 3......	8,338	4,288	7	1	1964-V
Spartanburg 7 ..	9,146	4,461	1	1	1964-V
Sumter 2	8,822	5,908	11	3	1964-C
TOTALS	156,346	83,608	260	54	

*Estimated.

TEACHERS

Teaching staffs at all public schools remain segregated.

HIGHER EDUCATION

Clemson College desegregated in January, 1963, admitting a Negro student by federal court order in *Gantt v. Clemson*. Enrollments are:

Predominantly White Colleges	Enrollment White	Enrollment Negro	Date Deseg.
The Citadel	1,978	0	
Clemson University	4,585	3*	1963-C
Lander College	474	1	1964-V
Medical College of S.C...........	667	0	
Univ. of S.C.†	8,993	18*	1963-C
Winthrop College	2,659	2*	1964-V
TOTALS	19,356	24*	
Predominantly Negro Colleges			
S.C. State	0	1,724	
STATE TOTALS	19,356	1,748	

*Negro figures from unofficial sources.
†Includes five university centers off campus, and nursing students in hospitals.

FACULTIES

Faculties at all state-supported institutions are segregated.

SPECIAL SCHOOLS

The S.C. Commission on Technical Education, which began in 1962-3, has never had a segregation policy. All eight centers currently have Negroes in classes with whites, except the one at Spartanburg. In others, Negro students account for up to five per cent of enrollment. The state's federally financed Special Training for Economic Progress program (STEP) is completely desegregated.

ETHNIC GROUPS

With the beginning of the 1961-62 school term, Sumter County school officials closed the last separate school operated for "Turk" children of the Dalzell Community. These dark-complexioned youngsters are part of an ethnic enclave said to comprise descendants of Turks and others of Mediterranean extraction who settled here after service with Gen. Thomas Sumter in the American Revolution. The Turks have been listed as "whites" in marriage ceremonies, military service and otherwise, but had been provided separate schools. Turks have been admitted to the Hillcrest High School for whites since 1951, and now are scattered throughout the white schools of the district and county without distinction.

LITIGATION (16)

Adams et al v. Orangeburg County School District 5

Filed March 20, 1964, in U.S. District Court to desegregate Orangeburg city schools. On Aug. 12, 1964, Judge Charles E. Simons Jr. ordered 28 Negroes into schools with whites in September and approved a pupil transfer and assignment plan. District desegregated.

Briggs v. Elliott

Harry Briggs Jr. and 45 other Negro elementary and high school students filed suit in U.S. District Court for the Eastern District of South Carolina in December, 1950, to enjoin enforcement of provisions in the state constitution and statutory code that required segregation of Negroes and whites in public schools. A three-judge district court convened in 1951 denied the requested relief. The court found that the Negro schools were inferior to the white school and ordered the defendants to begin immediately to equalize the facilities. The court sustained the validity of the contested provisions and denied the plaintiffs admission to the white schools during the equalization program. Subsequent developments were:

Jan. 28, 1952—The U.S. Supreme Court vacated the lower court decision and remanded it to obtain the District Court's views on a report filed by the defendants on the progress in the equalization program. March, 1952—The District Court considered the reports on the Clarendon County equalization program and found them "to be true and correct." The court praised the school board for having "proceeded promptly in good faith to comply with the court's decree." The court denied an injunction abolishing segregation.

May 17, 1954—The U.S. Supreme Court decided the case along with other segregation cases from Delaware, Kansas, Virginia and the District of Columbia. The court ruled in *Brown v. Topeka* that "separate educational facilities are inherently unequal" and that the Negroes were "deprived of equal protection of the laws guaranteed by the 14th Amendment."

May 31, 1955—The Supreme Court issued an implementing decision in the cases, ordering compliance with its earlier decision "with all deliberate speed." The justices remanded the cases to the respective lower courts.

July 15, 1955—A three-judge U.S. District Court of the Eastern District, South Carolina, set aside its previous decision and declared null and void all South Carolina laws requiring segregation in public schools. In accordance with the "all deliberate speed" decision of the Supreme Court, the court restrained the defendants from refusing admission to school on account of race. In its decision, the district court said the Supreme Court "has not decided that the states must mix persons of different races in the schools. . . . What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains. . . . The Constitution, in other words, does not require integration. It merely forbids discrimination. . . ." The court retained jurisdiction.

Brown v. School District 20 of Charleston County

Filed in U.S. District Court on May 28, 1962, by parents of 13 Negro children seeking desegregation of the schools. The complaint claimed that the plaintiffs had exhausted all administrative remedies under the state placement law. On Aug. 22, 1963, District Judge J. Robert Martin ordered the district to admit 11 of the plaintiffs to its white schools in September, 1963. The two other plaintiffs had moved from the district. In addition, the court ordered the district to desegregate completely in September, 1964. U.S. Fourth Circuit Court of Appeals on Jan. 27, 1964, rejected board's contention that the Negroes' education was helped rather than hurt by racial segregation, and the U.S. Supreme Court refused an appeal Oct. 12, 1964.

Brunson et al v. Board of Trustees of School District No. 1 of Clarendon County

Filed in Eastern District, U.S. Court, in April, 1960, by 42 Negro petitioners seeking desegregation of white schools. (Issues essentially the same as original *Briggs v. Elliott* suit but with different set of plaintiffs). U.S. District Judge C. C. Wyche ruled on May 31, 1962, that the case could not be brought as a class action. Wyche ordered all stricken from the caption except the first, Bobby Brunson. The U.S. Fourth Circuit Court of Appeals overruled the lower court on Dec. 7, 1962, and returned the case to the district court for trial on its merits. On May 27, 1963, the U.S. Supreme Court refused to review.

Bryan et al v. Austin et al

Filed in Eastern District, U.S. Court, September, 1956, by Negro teachers of Elloree, in Orangeburg County, who had refused to execute questionnaires concerning NAACP membership and had not been rehired thereafter. Plaintiffs were directed by three-judge federal court in January, 1957, to proceed through state courts before seeking federal court relief. Case became moot in June, 1957, after South Carolina legislature repealed *Act 741* of 1956, which had required statement of NAACP membership.

Byrd et al v. Gary et al

Filed in Eastern District, U.S. Court, in April, 1960, by Negro high school students of Mayo High School at Darlington, charging the Negro school principal with depriving them of their civil rights. The federal suit was filed after a similar suit in State Court was dismissed on grounds that administrative remedies had not been exhausted. The dismissal was appealed to the State Supreme Court, which in November affirmed the lower court action. The federal court case still is pending. The plaintiffs' attorney has died and this case is not expected to be pressed because of other desegregation litigation in the county. (See *Stanley v. Darlington School District 1*)

Crawford et al v. Chesterfield County School District 2

Filed Aug. 8, 1964, in U.S. District Court to desegregate schools in and around City of Cheraw.

Gantt v. Clemson Agricultural College of S.C. et al

Filed in U.S. District Court on July 9, 1962, for Harvey B. Gantt. The suit asked admission for Gantt and "other qualified Negro residents." U.S. District Judge C. C. Wyche denied a temporary injunction for admission on Sept. 7, 1962, and the U.S. Fourth Circuit Court of Appeals affirmed this on Oct. 5, 1962, but requested a prompt trial. Judge Wyche on Dec. 21, 1962, dismissed the suit on the grounds that Gantt had not completed admission requirements. The circuit court over-ruled Judge Wyche on Jan. 16, 1963. Clemson asked both the Fourth Circuit and the U.S. Supreme Court for a stay pending appeal. On Jan. 21, both denied the request, Gantt entered Clemson Jan. 28, 1963. Clemson then appealed the class action aspects of the case to the U.S. Supreme Court, which on Oct. 14, 1963, upheld the right of all qualified Negroes to enter the college.

Hood et al v. Board of Trustees of Sumter County School District No. 2 et al

Filed in Eastern District, U.S. Court, August, 1953, by ethnic group of Sumter County known as "Turks," seeking injunction against the denial of their children's admission to certain white schools. Case moved back and forth between district and circuit courts until February, 1961, when school authorities announced decision to admit complainants to white schools, effective with beginning of next school year. On Oct. 17, 1961, U.S. Fourth Circuit Court of Appeals reaffirmed Turks' right to attend white schools.

Johnson et al v. Marion County Board of Education

Filed in Eastern District, U.S. Court, in September, 1960, by parents of Negro students in Marion County who contend they were denied the transfer privileges granted white students of the same school area. Suit did not seek desegregation as such but asked that Negroes be accorded same privileges to attend other (Negro) schools as were granted white students to attend other white schools. Hearing not yet held.

Montieth v. University of South Carolina et al

Filed in U.S. District Court on Oct. 31, 1962, on behalf of a Negro girl seeking to enter the university. District Judge J. Robert Martin on July 10, 1963, ruled in favor of Miss Monteith and others similarly situated. The university served notice of appeal on Aug. 19, but Miss Monteith and three other Negroes enrolled in September. 1963. However, the university did not pursue its appeal.

Rackley v. Orangeburg County School District 5

Filed Sept. 15, 1964, in U.S. District Court by a Negro school teacher who had been dismissed after her arrest in a civil rights demonstration.

Randall et al v. Sumter School District No. 2 et al

Filed Sept. 16, 1963, in U.S. District Court by 14 Negro servicemen asking that their 30 children and other Negroes be admitted to schools in the district, which includes Shaw AFB. On July 29, 1964, U.S. District Judge Robert W. Hemphill issued temporary order to halt board's attempt to discontinue educating children of military personnel. On Aug. 10, 1964, he ordered Negro plaintiffs admitted to schools and requested desegregation plan for 1965-66. The court retained jurisdiction of teacher issue.

Stanley et al v. Darlington County School District No. 1

Filed in U.S. District Court on May 29, 1962, by the father of five Negro children. The complaint was similar to *Brown v. School District 20 in Charleston County*. District Judge J. Robert Martin on July 13, 1964, ordered five Negroes admitted to white schools in September. District complied.

Whittenberg v. School District of Greenville County et al

Filed in U.S. District Court on Aug. 19, 1963, by the father of an 11-year-old Negro girl, seeking desegregation of district's schools. Board reported to District Judge J. Robert Martin that it would approve Negroes' transfers and on April 27, 1964, the judge approved the assignment and transfer plan.

Williams v. Sumter County School District 2

Filed Sept. 15, 1964, in U.S. District Court by a Negro teacher dismissed after she allegedly participated in civil rights activities.

LEGISLATION (36)

1951

S-371—Concurrent Resolution created a committee "tc study and report on the advisable course to be pursued by the State in respect to its educational facilities in the event that the Federal Courts nullify the provisions of the State Constitution requiring the establishment of separate schools for the children of the white and colored races."

1952

Act 902—Joint Resolution proposed the repeal of the constitutional requirement that the General Assembly provide a public school system.

1954

Act 653—Ratified constitutional amendment repealing requirement for public school system.

1955

Act 52—Allowed "visiting teachers" to use persuasion in promoting school attendance upon repeal of compulsory attendance law.

Act 55—Strengthened authority of school officials on assignments, and on school closings.

Act 56—Repealed school board authorization to set school term length.

Act 57—Repealed compulsory attendance law.

Act 58—Established regulations for transfers of pupils within and between counties.

Act 59—Authorized sale or lease of public school public buildings.

Act 234 (Part II, Sec. 2)—Denied public funds to any school involved in transfer of student pursuant to court order.

Act 295—Repealed law on continuing contracts for teachers.

1956

Act 662—Established revised procedural rules for appeals from local school board decisions on local controversies or pupil placement.

Act 676—Vested boards of school trustees with general rule-making power and the right to designate board members to hold hearings.

Act 677—Vested county boards of education with general rule-making power and the right to designate board members to hold hearings.

Act 712—Provided basis for law enforcement officers to transfer students, upon request of school authorities, to prevent civil commotion and disturbance of the peace.

Act 741—Barred the employment, by school districts and other public agencies, of members of the NAACP. Repealed by *Act 223* of 1957. Also contested in *Bryan v. Austin.*

Act 813—Specified in state appropriations act that appropriations for education be "for racially segregated schools only."

Act 914—Condemned and protested usurpation and encroachment on the reserved powers of the states by the U.S. Supreme Court (interposition).

Act 920—Created a committee to investigate NAACP activities at State College (for Negroes) at Orangeburg.

Act 927—Continued indefinitely and enlarged scope of special, S.C. School Committee created in 1951 to study advisable course to be followed in event of adverse federal court decisions concerning racial separation in public schools.

1957

Act 25—Prohibited barratry.

Act 172—Required the licensing of persons soliciting Abbeville County residents for membership in dues-collecting organizations.

Act 223—Required applicants for school and other public jobs to list membership in associations and organizations. Repealed *Act 741* of 1956.

Act 233—Required the licensing of persons soliciting Florence County residents for membership in dues-collecting organizations. Exception allowed by *Act 433.*

Act 349—Conferred additional powers upon the governor for maintenance of public peace and suppression of violence.

Act 406—Required the licensing of persons soliciting McCormick County residents for membership in dues-collecting organizations.

Act 433—Waived provisions of *Act 233* (above) with respect to organizations under Railway Labor Act.

Act 442—Required the licensing of persons soliciting Kershaw County residents for membership in dues-collecting organizations.

1958

Act 893—Authorized attorney general to investigate records of foreign and domestic nonprofit corporations operating within the state.

1959

Act 216—Made it a felony to bomb any church, school, private residence or other building or to communicate threats or false information relating thereto.

1960

Act 674—Provided for defense of public officials prosecuted for acts done in good faith in course of employment.

Act 802—Grouped into one section of State Appropriations Act requirements that appropriations for schools and state parks be "on a racially segregated basis only."

HB 2214, bearing *Ratification Number 1142*—Repealed Sec. 91 of Part 1 of General Appropriations Act cited above *(Act 802)* relating to appropriations on "racially segregated basis only." The repealing act was vetoed by Gov. E. F. Hollings at opening of 1961 session, but has not been acted on by the General Assembly.

1961

H-1004—Concurrent Resolution sought amendment to the U.S. Constitution for invalidating Supreme

Court decisions that transfer state powers to the federal government.

1962

No acts or resolutions relating to segregation-desegregation in the public schools were passed by the 1962 session of the General Assembly. However, the **State Appropriations Act, (*Act 749*) for the second** consecutive year, did not contain the "on a racially **segregated basis only" clause in sections dealing** with public schools and parks. (See *Act 802* of 1960 above.) Some legal authorities in the state believed the deletion had the effect of abrogating Section 22-3 of the 1962 S.C. Code. **This section states that since appropriations to state institutions of higher learning are made on "a racially segregated basis," they must close in the event of court-ordered desegregation. The legal authorities felt that since the premise of the law—namely that appropriations are made on a racially segregated basis—was no longer true, then the rest of the law would fall under its own weight.**

1963

Act 297—**Provided state scholarship grants to students desiring to attend private, non-sectarian elementary and secondary schools, required that local school district supplement the grants in the amount each district adds to the state's per pupil allotment to the public schools, and gave the State Board of Education** power and duty to make rules and establish standards **for private schools that accept students under** the program.

The State Appropriations Act of 1963 **for the third** straight year did not contain **the clause requiring** school appropriations to be made "on a racially segregated basis only." (See 1962 note). **In addition** some legal authorities **think that *Section 89* of the act,** which provides that no institution for which the General Assembly has provided **shall be discontinued,** has the effect of nullifying Sections 22-3 and 21-2 of the 1962 S.C. Code. **These sections require the closing of colleges and public schools in the event of court-ordered desegregation. The language of Section 89 has been included in the money measure for many years.**

1964

Act 829—**Annual appropriations act included $250,000 for state scholarship grants to implement *Act 297*, 1963.**

TENNESSEE

Elementary and High Schools

152 Districts: 141 With Negroes and Whites;
61 Desegregated

	White	Negro	Total
Enrollment*	724,327	173,673	898,000
Teachers*	26,770	6,280	33,050

*Estimated

Colleges and Universities

All Seven Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	6	1	7
Enrollment*	49,223	4,689	53,912

*Estimated

Status of Segregation-Desegregation

PUBLIC SCHOOLS

Oak Ridge in 1955 became the first Tennessee district to desegregate. Then under federal control, the district voluntarily desegregated all grades. Clinton High School in Anderson County, under a 1956 federal court order, was the first regular district in the state to begin biracial classes. Violence erupted in Clinton and Gov. Frank Clement used National Guard troops to restore order. The desegregated districts are:

District	Enrollment* White	Enrollment* Negro	Negroes w/Whites	Brcl. Schs.	Date Deseg.
Alcoa	1,200	600	61	2	1963-V
Anderson Co. ...	8,064	63	63	7	1956-C
Bedford Co.	3,250	350	13	1	1964-V
Bradley Co.	6,305	195	13	2	1964-V
Bristol	4,157	280	2	1	1962-V
Chattanooga	14,500	12,500	1,900**	15	1962-C
Claiborne Co. ..	4,225	75	28	2	1964-V
Clarksville-Montgomery Co.	9,600	2,400	159	10	1963-V
Clay County	1,710	40	12	1	1963-V
Cleveland	2,986	377	4	2	1964-V
Coffee Co.	2,839	61	61	5	1964-V
DeKalb Co.	2,200	50	32	4	1963-V
Dickson Co.	4,230	470	20	3	1962-V
Elizabethton	1,670	130	0	0	1961-V
Franklin	1,067	540	9	1	1962-V
Franklin Co.	5,700	700	62	2	1964-C
Greeneville	3,100	300	30	2	1964-V
Hamilton Co. ...	27,343	1,279	15	2	1962-V
Harriman	2,575	225	75	3	1963-V
Hawkins Co.	6,390	191	108	5	1963-V
Henry Co.	3,150	550	23	2	1962-V
Humboldt	1,630	1,099	0	0	1963-V
Humphreys Co. .	2,619	171	90	5	1962-C
Jackson	4,292	3,108	125	6	1962-V
Johnson City ...	5,318	702	57	4	1961-V
Johnson Co.	2,447	33	33	3	1963-V
Kingsport	7,260	468	51	2	1961-V
Knox County ..	17,150	204	127	7	1960-V
Knoxville	36,000	5,000	450	35	1960-C
Lawrence Co. ..	6,675	125	30	2	1964-V
Lebanon	2,169	355	12	2	1961-C
Lenoir City	1,925	8	8	1	1964-V
Lewis Co.	1,645	55	10	1	1964-V
Loudon Co.	4,875	125	37	4	1964-V
Madison Co.	4,312	3,388	68	4	1964-C
Manchester	1,220	30	30	2	1963-V
Maryville	1,935	91	23	2	1963-V
Maury Co.	8,340	2,100	1	1	1964-V
Memphis	54,784	57,247	808	16	1961-V
McMinn Co.	5,150	350	1	1	1964-V
Monroe Co.	4,218	282	87	4	1964-C
Murfreesboro ...	2,740	610	0	0	1961-V
Nashville-Davidson Co..	69,420	18,676	3,438**	42	1957-C
Oak Ridge	7,423	500	233	5	1955-V
Obion Co.	3,915	435	120	5	1962-C
Overton Co.	3,369	18	5	1	1963-V
Paris	1,215	285	16	2	1962-V
Putnam Co.	6,595	105	105	6	1963-V
Rogersville	1,000	115	115	1	1963-V
Rutherford Co. .	8,386	1,308	43	5	1959-C
Sevier Co.	6,013	52	12	1	1963-V
Sparta	865	60	3	2	1964-V
Shelby Co.	29,580	13,920	18	5	1963-V
Tullahoma	3,680	220	220**	4	1964-V
Union City	1,550	450	6	1	1964-V
Warren Co.	3,658	117	67	5	1963-V
Washington Co. .	8,372	78	35	4	1961-V
Watertown	290	0	0	0	1962-C
White Co.	2,904	35	35	1	1963-V
Williamson Co. .	4,600	900	0	0	1964-V
Wilson Co.	3,362	800	56	3	1962-C
TOTALS	459,162	135,001	9,265**	267	

*Estimated. In many instances, no records are kept by race.
**Includes 1,000 Negroes attending classes with 55 whites at three Chattanooga schools; 1,637 Negroes with three whites at three Nashville schools; and an estimated 175 Negroes with five whites at one Tullahoma school.

TEACHERS

Seven Tennessee districts have one or more Negro teachers assigned to all-white and predominantly white classes or in other faculty positions. These include: Chattanooga, two Negro teachers serving as consultants on an experimental basis at a previously all-white school now predominantly Negro; Franklin County, one Negro teacher assigned to a predominantly-white school; Johnson County, a seventh-grade Negro teacher in a predominantly white school; Manchester, one Negro teacher transferred from a closed school to a predominantly white school; Oak Ridge, Negro teachers employed in predominantly white schools for several years; Putnam County, four Negroes returned this fall to teach in all-white and predominantly white classes; and Wilson County, a Negro teacher at a predominantly white high school. The Wilson County district is under a federal court order to present by Jan. 2, 1965, a desegregation plan of teachers, principals and other school personnel effective with the opening of the 1965-66 school year. The Oak Ridge system, which has four Negro teachers and faculty members in four all-white and predominantly white schools, also has five or six white faculty members on the staff at an all-Negro school. Memphis, which has no Negro teachers assigned to white or predominantly white schools, reported that one all-Negro school has an all-white faculty. Three Negro teachers lost their positions when a Negro school was closed in Monroe County after the beginning of the 1964-65 school year. Three others also lost their jobs when Humphreys County consolidated a white and Negro high school during desegregation in 1962. Several Negro teachers took other positions outside the district or lost their employment when a Hawkins County Negro school was closed in 1963. The Knox County district reported it is "planning a study on the proper approach to faculty desegregation."

HIGHER EDUCATION

All seven state-supported colleges and universities have desegregated. The University of Tennessee was the state's first institution of higher learning to desegregate, admitting Negroes to graduate, professional and special levels under federal court order in 1952 *(Gray v. University of Tennessee)*. In 1957, the State Board of Education adopted a policy removing race as a factor in admissions. The colleges and universities are:

Predominantly White	Enrollment White	Enrollment Negro	Date Deseg.
Austin Peay State	2,124*	107*	1956-V
East Tenn. State Univ.	6,868*	64*	1956-V
Memphis State Univ.	9,090*	556*	1959-C
Middle Tenn. State	4,556*	22*	1957-V
Tenn. Polytechnic Institute	4,165*	11*	1957-V
University of Tennessee**	20,485*	275*	1952-C
TOTALS	48,188*	1,035*	
Predominantly Negro			
Tenn. A & I University	20*	4,669*	1956-V
STATE TOTALS	48,208*	5,704*	

*Estimated. No records are kept by race.
**Figures include main campus at Knoxville, branches at Martin, Memphis, Nashville, and centers at Tullahoma. Memphis, Oak Ridge.

FACULTIES

Only Tennessee A & I University at Nashville has a desegregated faculty, according to officials. The predominantly Negro university has six full-time, white instructors, and six part-time, white instructors. There has been no report of any Negro teacher losing his job as a result of desegregation.

SPECIAL SCHOOLS

The Tennessee School for the Blind near Nashville, one of the state's four special schools, began desegregation in 1962. Plans are under way for desegregation of the Tennessee School for the Deaf at Knoxville in 1965. A Negro teacher is employed in the white division of the School for the Deaf. The Tennessee Youth Center at Joelton, a state corrections facility for training young law offenders, is operated on a biracial basis. The State Department of Education, which in 1964 began operating four vocational and technical schools and now has nine others under construction, said all of these facilities are open to students of both races. Nashville, Chattanooga and Knoxville districts have desegregated some of their special programs, such as those for the educable mentally retarded, speech and hearing, and cerebral palsy.

ETHNIC GROUPS

Tennessee has no desegregation programs involving students other than Negroes. State education officials said some non-whites have been admitted for several years in the colleges and universities.

LITIGATION (23)

Booker v. State Board of Education

Filed in May, 1955, in U.S. District Court at Memphis, the suit sought admission of five Negro students to Memphis State University in a case that became precedent for other state colleges and universities. The State Board of Education submitted a five-year gradual desegregation plan to have begun at the graduate level in 1956-57 for the six colleges and universities under the board's jurisdiction. The U.S Sixth Circuit Court of Appeals in 1957 refused to review the appellate court's action. A policy removing race as a factor in admissions was adopted by the State Board of Education in 1957 to become effective in the fall of 1958. The board granted Memphis State a one-year delay in desegregation and the U.S. District Court ruled that no further decision was necessary since the institution had been instructed to desegregate in the fall of 1959. (See *Davidson et al v. Cope et al*).

Boyce et al v. Humphreys County Board of Education
(See *Carethers v. Humphreys County*).

Bullock et al v. U.S.A.
Kasper v. U.S.A.

John Kasper and seven others were convicted of contempt of federal court in interfering with desegregation at Clinton High School in 1956.

Carethers et al v. Humphreys County Board of Education (Later Boyce et al v. Humphreys County Board of Education).

The suit was filed in October, 1961, in U.S. District Court at Nashville, seeking the admission of nine Negro children to all-white schools. As Judge William E. Miller began a hearing in the case on Oct. 18, the school board submitted a plan to desegregate grades one through five in January, 1962, with an additional grade to be desegregated each year thereafter. Later in the hearing, however, the board presented orally a revised plan calling for desegregation of the first five grades in January, 1962, with the remainder of the grades to be desegregated by August, 1965. Negro counsel objected to the plan and Judge Miller asked the board to present its proposal in writing. On Dec. 21, 1961, Judge Miller ordered the first five grades desegregated in January, 1962, with all other grades to be desegregated in September, 1962. He reserved decision on the teacher desegregation issue.

Carson et al v. Monroe County Board of Education

Filed in U.S. District Court July 30, 1964. District Judge Robert L. Taylor on Aug. 11, 1964, ordered the board to submit a desegregation plan and directed that the 19 Negro plaintiffs be admitted to biracial classes with the opening of the 1964-65 school year. The board proposed to desegregate the district on a gradual basis in various grades and schools over the next four years or sooner. It also enrolled about 17 other Negro students, in addition to the plaintiffs, in biracial classes.

Davidson et al v. Cope et al

Citizens filed suit in Davidson County Chancery Court to stop appropriations to state colleges desegregating by order of the State Board of Education. Court held on May 7, 1956, that 1955 legislature implied authorization of use of funds for nonsegregated schools (See *Booker v. State Board of Education.)*

Goss et al v. Knoxville Board of Education

Filed in January, 1957, the suit sought desegregation of Knoxville city schools. U.S. District Court at Knoxville in 1960 approved a grade-a-year desegregation plan to begin in the fall of 1960. The court also ordered a supplementary plan for biracial vocational high school students and, after hearings in 1961, approved a plan by the board for Negro vocational high school students to attend previously all-white classes beginning in the fall of 1961. The U.S. Sixth Circuit Court of Appeals in April, 1962, struck down the grade-a-year plan and ordered a new plan to speed desegregation, but upheld the pupil transfer provisions also under attack by Negro lawyers. The school board filed an amended plan calling for desegregation in the third and fourth grades in September, 1962, and the plan was placed into effect pending a hearing in U.S. District Court. The U.S. Sixth Circuit Court of Appeals on April 3, 1962, held that the board's supplementary plan for vocational students was "too complicated" and directed U.S. District Judge Robert L. Taylor to require an amendment. On June 3, 1963, the U.S. Supreme Court struck down the pupil transfer provisions because they allowed students to transfer from schools where their race was in the minority. The transfer provisions had been incorporated into numerous desegregation plans in Tennessee and the South. While the pupil transfer issue was pending before the Supreme Court, Judge Taylor approved a new plan by the board to desegregate the fifth and sixth grades in September, 1963. The court also ordered the board to file a plan simplifying provisions under which Negroes could transfer to vocational high school classes and instructed the board to make distributive education classes available to Negroes. Negro attorneys, however, appealed Judge Taylor's approval of the accelerated plan to the U.S. Sixth Circuit Court of Appeals, but before the hearings began, the board announced it would desegregate all grades in September, 1964. The court issued a consent order and remanded the suit to district court.

Gray v. University of Tennessee

U.S. District Court held that the plaintiff was entitled to admission to the university but refused to order an injunction, expressing the belief that university authorities would comply. The U.S. Supreme Court dismissed the case as moot in March, 1952, because the plaintiff already had been accepted as a student.

Hayes et al v. Rutherford County School Commission et al

Negro Air Force personnel filed suit in U.S. District Court on Sept. 3, 1959, challenging segregated county schools on three grounds: 1) violation of 14th Amendment, 2) violation of Fifth Amendment because the schools operated with federal funds, and 3) interference with Congress's constitutional powers to raise armies and promote national defense. Court on Sept. 11, 1959, ordered defendants admitted to one school under 14th Amendment, but denied permanent injunction against all county schools.

Hill et al v. Franklin County Board of Education

Filed July 3, 1963, in U.S. District Court by four white and four Negro families—the first Tennessee case in which plaintiffs included members of both races. District Judge Charles Neese on Oct. 1, 1963, ordered the school board to present a desegregation plan no later than Oct. 31, but rejected an application by plaintiffs for a preliminary injunction. On Oct. 31, 1963, the board filed a plan proposing to begin desegregation of students, teaching staff and other personnel along with transportation facilities at the beginning of the 1964-65 school year. Unique in Tennessee, the proposed plan established a timetable for beginning biracial classes in each of eight geographical zones in the district. On Jan. 2, 1964, Judge Neese ordered the desegregation of two Sewanee elementary schools by March 2, and delayed a decision on the remainder of the board's plan. One day after 13 Negro students enrolled in the schools, Neese on March 3 directed the board to amend its plan by creating zones and by assigning pupils to schools on the basis of residence. The board's revised plan for desegregation of all geographical zones by the fall of 1968, one year earlier than the original plan and eliminating a proposed transfer clause, was approved June 23, 1964.

Kasper v. USA. (See *Bullock v. U.S.A.)*

Kelley et al v. Nashville Board of Education

The suit was filed in 1955 in behalf of 21 Negroes seeking admission to previously all-white classes. U.S. District Court at Nashville in 1957 approved a grade-a-year desegregation plan, which has served as a model in many other cities. Court declared *Act 11* of 1957 unconstitutional. Court later enjoined John Kasper and others from interfering in beginning of desegregation in fall, 1957. Court in February, 1959, ruled state Pupil Assignment Law not an adequate remedy because the city Board of Education was committed in advance to a policy of segregation. U.S. Sixth Circuit Court of Appeals upheld the Nashville plan in 1959 after it was appealed by the Negro plaintiffs and the U.S. Supreme Court later in 1959, by a six to three vote, declined to review the case.

Mapp et al v. Chattanooga Board of Education

Seeking admission of Negro students to previously all-white schools, the suit was filed in 1960. U.S. District Court at Chattanooga in 1960 granted summary judgment and ordered the board to present a desegregation plan by December, 1960. The court ruled that the board's subsequent plan, which provided for desegregation in "selected" schools, was unacceptable but did not reject the plan outright. The court's rulings on the summary judgment and the proposed plan were appealed by the board to the U.S. Sixth Circuit Court of Appeals, which in 1961 upheld the rulings of the District Court and remanded the case to it to work out a final plan for desegregation. On March 1, 1962, U.S. District Judge Frank Wilson ordered the board to desegregate the first three grades in 16 designated schools in September, 1962, and to follow a stairstep plan to include all grades by 1968. Judge Wilson also struck down transfer and admission provisions from an alternate desegregation plan, which had been filed by the school board at the court's instructions while the original plan was being appealed. While no delay in the desegregation plan was requested, both the school board and Negro plaintiffs in 1962 appealed phases of Judge Wilson's ruling to the U.S. Sixth Circuit Court of Appeals. On July 8, 1963, the appeals court affirmed Wilson's ruling but left unresolved the question of assignment of teachers and principals on a non-racial basis. On another issue raised by the plaintiffs, the court said the school board was not obligated to provide "every technical course available" to Negro high school students until gradual desegregation reached their grades. The district court on Sept. 9, 1963, ordered the school board to file a desegregation plan for vocational and technical courses. The board submitted a plan for desegregation of adult classes in December, 1963, and high school technical courses in the fall of 1964 on a limited basis, which was approved by Judge Wilson Nov. 15, 1963. Judge Wilson took under advisement the teacher desegregation issue.

Maxwell v. Board of Education of Davidson County

Filed in September, 1960 in U.S. District Court at Nashville, the suit asked desegregation of the school system. U.S. District Court in 1960 ordered the first four grades desegregated in January, 1961, with one additional grade desegregated each fall thereafter. The court refused to rule on the desegregation of teaching and supervisory staffs but held the case open. On April 5, 1962, U.S. Sixth Circuit Court of Appeals upheld the District Court's action. On June 3, 1963, the Supreme Court struck down the pupil transfer provisions, which allowed students to transfer from schools where their race was in the minority.

McSwain et al v. Anderson County Board of Education

Filed in behalf of 12 Negro students in 1952, U.S. District Court at Knoxville in 1956 ordered Clinton High School desegregated and enjoined interference by John Kasper and others.

Monroe et al v. Board of Commissioners of the City of Jackson and the Madison County Board of Education et al

Filed in 1963 by Negro plaintiffs who sought a temporary injunction and also asked desegregation of both the Jackson and Madison County districts. U.S. District Judge Bailey Brown in January, 1963, ordered the admission of four additional Negroes to biracial schools in Jackson, which had begun desegregation voluntarily during 1961-62. On June 2, 1963, Judge Brown ruled that the county school board could not submit the question of desegregation to a jury trial, as proposed by one board member, Taylor Robinson. The court ordered both school boards to submit plans for school desegregation. Judge Brown set July 20, 1963, as the deadline for the Jackson Board of Commissioners, which also serves as the school board, to submit its plan, and directed that the county board's plan be filed no later than July 15, 1963. Both boards complied with the order, proposing gradual desegregation plans, which called for desegregation of the first three grades in September, 1963. U.S. Sixth Circuit Court of Appeals Judge Paul C. Weick, however, issued a stay order on Robinson's appeal of Brown's ruling on the jury trial issue and further proceedings on the county board's portion of the suit was delayed. The Court of Appeals later rejected Robinson's petition for a writ of mandamus and his request also was rejected by the U.S. Supreme Court Feb. 17, 1960. On Aug. 12, 1963, Judge Brown approved the Jackson board's desegregation plan and Negro students attended biracial classes in 1963-64. An appeal by Negro plaintiffs who objected to transfer provisions in the plan was withdrawn early in 1964. On Sept. 18, 1964, however, Brown allowed a group of Negro students and their parents to intervene in the case after they charged the board with "gerrymandering" school zones to preserve segregation. On May 22, 1964, Judge Brown ordered the Madison County board to desegregate grades one through eight in the fall of 1964 and to extend desegregation through high school grades in the fall, 1965. The court had announced on May 14, 1964, following a two-day hearing, that its formal order would include those provisions. Both sides filed objections. Sixty-eight Negro students enrolled in biracial classes on Aug. 24, 1964.

Northcross et al v. City of Memphis Board of Education

Seeking desegregation of the Memphis city school system, the suit was filed in U.S. District Court at Memphis in 1960. In April, 1961, U.S. District Judge Marion S. Boyd at Memphis ruled that the board had announced its desire to integrate Memphis schools through compliance with the state pupil assignment law. Boyd rejected a Negro plea for immediate desegregation of the entire system. In October, 1961, 13 Negro first-graders were admitted to four previously all-white schools under provisions of the pupil assignment law. The U.S. Sixth Circuit Court of Appeals ruled on March 23, 1962, that the assignment law could not serve as a desegregation plan and returned the case to District Court. The U.S. Supreme Court refused to review the appeals court decision. Judge Boyd on July 16, 1962, ordered a new plan which the board submitted that August. The plan, placed in effect pending a hearing on Dec. 3, 1962, provided for biracial classes in the first three grades. On March 29, 1963, Boyd refused to order faculty desegregation, but on May 24, 1963, he approved the student desegregation plan. He rejected an NAACP plan for desegregation of all grades by 1965. The U.S. Sixth Circuit Court of Appeals on June 15, 1964, ordered board to extend desegregation to all grades by fall, 1966, and held that district court could consider teacher desegregation issue.

Prater et al v. Boyd
Prater v. State of Tennessee Board of Education

Negroes attempted in U.S. District Court to enjoin enforcement of state board resolution delaying Memphis State University desegregation, and the defendants filed motion to dismiss. U.S. District Judge Marion S. Boyd decided to hear the defendant's motion first. On Feb. 17, 1959, the U.S. Sixth Circuit Court of Appeals refused the Negroes' request to issue a writ of mandamus against Judge Boyd to hear the plaintiffs' motion first. On Aug. 4, 1959, Boyd refused to issue an injunction against the board.

Robinson et al v. Shelby County Board of Education et al

Filed June 12, 1963, in behalf of 21 Negro students, the NAACP asked desegregation of the school system and teaching staff. U.S. District Judge Marion S. Boyd refused on Aug. 30, 1963, a board request to dismiss the suit, but he removed Shelby County Court and Shelby County Commission members who also had been named defendants, as parties in the suit. On the same day, the board filed a plan to desegregate all 12 grades beginning in the fall, 1964, providing for transfers of Negro students to biracial classes in the vicinity of segregated schools to which they are assigned. Judge Boyd approved the plan March 3, 1964, and the board desegregated additional schools Aug. 27, 1964.

Roy et al v. Brittain et al

The State Supreme Court upheld in 1956 Chancery Court's denial of an injunction to forbid admission of Negroes to Clinton High School despite U.S. District Court's order in *McSwain et al v. Anderson County Board of Education*. State tribunal held invalid Tennessee's constitutional provision and statutes requiring segregation of state-financed schools.

Sloan et al v. Wilson County Board of Education et al

The suit originally was filed in 1961 in behalf of two Negro children "and others similarly situated," seeking their admission to McClain Elementary School at Lebanon. U.S. District Court at Nashville on Sept. 12, 1961, directed that the 10th Special School District enroll three students immediately at the previously all-white elementary school. Judge William E. Miller also ordered the 10th Special School District board, the 16th Special School District board and the Wilson County Board of Education to submit a plan for desegregation. On Oct. 23, 1961, Miller ordered complete desegregation of all public schools in Lebanon and Wilson County, effective in January, 1962. The judge rejected a joint proposal by the three boards, which govern separate school systems within the boundaries of Wilson County, to end segregation under the 1957 state pupil assignment law and declared that the law in itself is not a plan for desegregation. Miller ruled that the law could be placed in effect to transfer students from one school to another once desegregation has been accomplished. The case was the first in Tennessee against more than one school board and resulted in the first order calling for desegregation of grades 1-12 at the same time in any Tennessee school system. Miller reserved judgment on a Negro request for the desegregation of the teaching staffs. On Sept. 19, 1963, Miller ordered 12 Negroes transferred to three previously all-white schools, and ordered a new desegregation plan submitted. Judge Miller on July 31, 1964, ordered desegregation of teachers and other personnel to begin in fall, 1965. On Sept. 11, 1964, he approved the board's plan permitting any student to enroll at his school of choice.

Vick v. Obion County Board of Education

Asking admission of three Negro students to all-white high school classes, the suit was filed in October, 1961. Two weeks later, the school board asked the U.S. District Court at Jackson to accept a grade-a-year desegregation plan to begin in the fall of 1962 and requested Judge Bailey Brown to deny a temporary injunction and a Negro request for biracial teaching assignments. On Dec. 15, 1961, Judge Brown ordered desegregation of all grades beginning in September, 1962, and instructed the board to file a new plan. On May 11, 1962, the board's revised plan calling for biracial classes in all grades and including "freedom of choice" provisions was approved by Brown and placed into effect in August, 1962.

Ward et al v. Knoxville Board of Education

U.S. District Court at Knoxville in 1956 dismissed the suit on technical grounds. It had sought the desegregation of Knoxville city schools.

LEGISLATION (13)

1957

HR 1, SR 3—Protested encroachment of states' rights, and urged amending constitution to allow desegregated schools.

HR 9—Condemned Supreme Court decision.

Ch. 9—Facilitated transfers of pupils between districts.

Ch. 10—Allowed bus transportation for children to nearest school of their race.

Ch. 11—Permitted voluntary segregation. (U.S. District Court in 1957 declared the law unconstitutional in *Kelley v. Nashville Board of Education.*)

Ch. 12—Authorized consolidated schools to serve two or more districts.

Ch. 13—Established pupil assignment. (U.S. District Court at Memphis in 1961 ruled that the Memphis Board of Education had adopted a policy of desegregation through compliance with the law in *Northcross et al v. City of Memphis Board of Education.* U.S. Sixth Circuit Court of Appeals in 1962 reversed the ruling and held that the assignment law was inadequate as a desegregation plan. In *Sloan et al v. Wilson County Board of Education et al*, U.S. District Court at Nashville held that the law in itself did not constitute a plan for desegregation but that it could be used for the transfer of students once desegregation had been accomplished.)

Ch. 98—Permitted segregation by sex.

Ch. 104—Redefined barratry.

Ch. 151—Required registration for racial organizations.

Ch. 152—Required information on solicitors for litigation.

1959

Ch. 289—Made local school boards responsible for enforcing compulsory attendance; permitted parents to withdraw children from school for any good and substantial reason, with school board consent, and to enroll them elsewhere within 30 days.

EXECUTIVE ACTION

Gov. Frank G. Clement issued an executive order on Jan. 1, 1964, establishing a 21-member State Commission on Human Relations to encourage fair treatment for all persons, to conduct research, and to make reports.

TEXAS

Elementary and High Schools

1,380 Districts: 862 with Negroes and Whites;
291 Desegregated

	White	Negro	Total
Enrollment*	2,086,752	344,312	2,431,064
Teachers*	83,546	12,623	96,169

*Estimated

Colleges and Universities

51 Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	50	4	54
Enrollment	184,411	8,482	192,893

Status of Segregation-Desegregation

PUBLIC SCHOOLS

Texas has at least 291 school districts with official policies of desegregation. Another 100 districts having only white pupils also have desegregation policies. About 25 desegregated districts do not have any actual mixing in classrooms. Desegregation in public schools started in 1953 at Friona, in West Texas, before the U.S. Supreme Court decision. In 1954 Texas courts held that the state constitution's requirement for segregation in public schools was void. More than 100 public schools desegregated by board action before the Texas Legislature in 1957 required referendum approval for desegregation, with loss of state funds as the penalty *(Ch. 283)*. This slowed desegregation until 1963 when outgoing State Attorney General Will Wilson declared the referendum law to be unconstitutional. About 13 districts have desegregated by court order, and the others acted voluntarily. About 1,500,000 white and 225,000 Negroes reside in districts that desegregated wholly or in part. About 25,000 Negroes actually attend class with white pupils, including those where whites have enrolled in formerly all-Negro classes. Two white children enrolled at a formerly all-Negro elementary school in Fort Worth. Most of this type desegregation has been in areas with mostly Latin-American and Negro population previously. Desegregated districts are:

- Andrews County
  - Andrews
- Aransas County
  - Aransas ISD
- Atascosa County
  - Jourdanton
  - Pleasanton
- Bailey County
  - Bula
  - Muleshoe
- Bastrop County
  - Smithville
- Bee County
  - Beeville
  - Pettus
  - Tynan
- Bell County
  - Belton
  - Killeen
  - Temple
- Bexar County
  - Alamo Heights
  - County Boys School
  - East Central
  - Edgewood
  - Ft. Sam Houston
  - Harlandale
  - Judson
  - Lackland
  - Northside
  - Randolph Field
  - San Antonio
  - S. San Antonio
  - Southside
- Blanco County
  - Blanco County ISD
- Bosque County
  - Clifton
  - Morgan
- Bowie County
  - Texarkana
- Brazoria County
  - Brazosport
  - Columbia-Brazoria
- Brazos County
  - A & M Consolidated
  - Brazos County
  - Bryan
- Brewster County
  - Alpine
- Briscoe County
  - Quitaque
- Brooks County
  - Brooks ISD (Falfurrias)
- Brown County
  - Brownwood
- Burnet County
  - Bertram
  - Burnet
  - Marble Falls
- Caldwell County
  - Lockhart
  - Martindale
- Calhoun County
  - Calhoun ISD (Port Lavaca)
- Cameron County
  - Brownsville
  - Harlingen
  - La Feria
  - Los Fresnos
  - Point Isabel
  - San Benito
- Castro County
  - Dimmit
  - Nazareth
- Clay County
  - Henrietta
- Cochran County
  - Morton
  - Whiteface
- Collin County
  - McKinney
- Collingsworth County
  - Dodson
  - Samnorwood
- Comal County
  - Comal Rural High
  - New Braunfels
- Coryell County
  - Gatesville
- Culberson County
  - Culberson RHS (Van Horn)
- Dallam County
  - Dalhart
- Dallas County
  - Carrollton-Farmers Branch
  - Dallas
  - Garland
  - Grand Prairie
  - Irving
  - Mesquite
- Dawson County
  - Dawson
  - Lamesa
- Deaf Smith County
  - Hereford
- Denton County
  - Denton
  - Lewisville
- DeWitt County
  - Cuero
  - Nordheim
  - Yoakum
  - Yorktown
- Dickens County
  - Patton Springs
- Dimmit County
  - Carizzo Springs
- Duval County
  - Benavides
- Eastland County
  - Cisco
  - Eastland
  - Bangor
- Ector County
  - Ector ISD (Odessa)
- Ellis County
  - Waxahachie
- El Paso County
  - Canutillo
  - Clint
  - El Paso
  - Fabens
  - Socorro
  - Ysleta
- Erath County
  - Stephenville
- Falls County
  - Marlin
  - Rosebud
- Fisher County
  - Rotan
- Floyd County
  - Lockney
- Fort Bend County
  - Lamar
- Frio County
  - Pearsall
- Gaines County
  - Loop
  - Seagravez
  - Seminole
- Galveston County
  - Dickinson
  - Galveston
  - Hitchcock
  - La Marque
  - Texas City
- Garza County
  - Close City
  - Post
- Gillespie County
  - Fredericksburg
- Glasscock County
  - Glasscock Co. ISD
- Goliad County
  - Goliad
- Gonzales County
  - Gonzales
  - Nixon
  - Smiley
- Gray County
  - Pampa
- Grayson County
  - Denison
  - Sherman
- Gregg County
  - Longview
- Grimes County
  - Richards
- Guadalupe County
  - Marion
  - Navarro
  - Schertz-Cibolo
  - Seguin
- Hale County
  - Cotton Center
  - Hale Center
  - Petersburg
- Harris County
  - Aldine
  - Houston
  - Katy
  - La Porte
  - Northeast Houston
  - Spring
- Harrison County
  - Marshall
- Hays County
  - Buda
  - Kyle
  - San Marcos
- Hidalgo County
  - Donna
  - Edinburg
  - McAllen
  - Pharr-San Juan-Alamo
  - Weslaco
- Hockley County
  - Anton
  - Pep
  - Pettit
  - Smyer
  - Whitharral
- Hood County
  - Granbury
- Howard County
  - Big Spring
- Hudspeth County
  - Dell City
- Hunt County
  - Greenville
- Hutchinson County
  - Borger
- Jefferson County
  - Beaumont
  - Port Arthur
  - South Park
- Jim Wells County
  - Alice
  - Orange Grove
- Johnson County
  - Burleson
- Jones County
  - Anson
- Karnes County
  - Karnes City
  - Kenedy
  - Runge
- Kendall County
  - Boerne
- Kerr County
  - Kerrville
- Kinney County
  - Brackett
- Kleberg County
  - Kingsville
- Knox County
  - Goree
- Lamb County
  - Littlefield
  - Spade
  - Sudan
- Lampasas County
  - Lampasas
- Lee County
  - Giddings
- Limestone County
  - Mexia State School
- Liveoak County
  - George West
- Llano County
  - Llano
- Lubbock County
  - Frenship

- Lubbock
- New Deal
- Roosevelt
- Shallowater

- Lynn County
  - New Home
  - O'Donnell
  - Tahoka
  - Wilson
- Mason County
  - Mason
- Matagorda County
  - Bay City
  - Palacios
- Maverick County
  - Eagle Pass
- McCulloch County
  - Brady
- McLennan County
  - Connally
  - La Vega
  - Waco
- Medina County
  - Devine
  - Hondo
  - Natalia
- Menard County
  - Menard
- Midland County
  - Midland
- Milam County
  - Thorndale
- Motley County
  - Roaring Springs
- Nolan County
  - Sweetwater
- Nueces County
  - Bishop
  - Bluntzer
  - Corpus Christi
  - Flour Bluff
  - London
  - Port Aransas
  - Robstown
  - Tuloso-Midway
  - West Oso
- Orange County
  - Orange
- Palo Pinto County
  - Mineral Wells
- Parker County
  - Weatherford
- Parmer County
  - Bovina
  - Farwell
  - Friona
  - Lazbuddie
- Pecos County
  - Fort Stockton
- Potter County
  - Amarillo
  - Consolidated Dist. No. 3
- Reeves County
  - Pecos
- Refugio County
  - Austwell-Tivoli
  - Refugio
  - Woodsboro
- Runnels County
  - Winters
- San Patricio County
  - Aransas Pass
  - Ingleside
  - Mathis
  - Sinton
  - Taft
- San Saba County
  - San Saba
- Shackleford County
  - Albany
- Smith County
  - Tyler
- Sutton County
  - Sonora
- Sterling County
  - Sterling City
- Swisher County
  - Happy
  - Kress
  - Tulia
- Tarrant County
  - Arlington
  - Azle
  - Birdville
  - Fort Worth
- Taylor County
  - Abilene
- Terry County
  - Brownfield
  - Meadow
  - Union
  - Wellman
- Tom Green County
  - San Angelo
- Travis County
  - Austin
  - Austin State School
  - Del Valle
  - Webberville
- Uvalde County
  - Uvalde
- Val Verde County
  - Del Rio
  - San Felipe
- Van Zandt County
  - Canton
  - Edgewood
- Victoria County
  - Bloomington
  - Kemper City
  - Mission Valley
  - Victoria
- Walker County
  - Huntsville
- Ward County
  - Monahans-Wickett
  - Pyote
- Webb County
  - Laredo
- Wharton County
  - Wharton
- Wheeler County
  - Shamrock
- Wichita County
  - Burkburnett
  - Electra
  - Wichita Falls
- Wilbarger County
  - Lockett
  - Vernon
- Willacy County
  - Lyford
  - Raymondsville
- Williamson County
  - Andice
  - Florence
  - Georgetown
  - Granger
  - Jarrell
  - Liberty Hill
  - Taylor
- Wilson County
  - Floresville
  - La Vernia
  - Stockdale
- Winkler County
  - Kermit
  - Wink
- Wise County
  - Decatur
- Yoakum County
  - Denver City
  - Plains
- Young County
  - Graham
- Zavala County
  - Crystal City

TEACHERS

Although desegregation has abolished a number of Negro teaching jobs in Texas, rising enrollment of whites and Negroes has resulted in increasing employment for teachers of both races. A surplus of Negro teachers exists, but is said to be somewhat less than about five years ago, when more than 1,000 were said to be seeking teaching positions without success. El Paso, Odessa, Big Spring, San Antonio, Austin, Corpus Christi and other cities have begun desegregating faculties. A few Negroes have been employed to teach biracial classes although most are from previously segregated schools in the same system. School superintendents report that the quality of Negro teachers from desegregated colleges is better than from the former all-Negro colleges generally, putting pressure on the latter to improve their standards or lose out in the competition to place their graduates. The state association for white teachers voted in 1964 to desegregate.

HIGHER EDUCATION

Of 54 tax-supported colleges in Texas, only two white and one Negro junior colleges are believed to remain segregated, although none has a stated policy to this effect. The University of Texas, first in the state to desegregate, did so by court order in 1950 in *Sweatt v. Painter*. In 1964, desegregation there became complete in a legal sense when the Board of Regents ordered all dormitories to admit residents without regard to race. Previously, girls' housing and some boys' dormitories had been racially desegregated. Negroes have not been recruited for Southwest Athletic Conference teams, but several football coaches have announced that all qualified candidates are welcome to try out. The University of Texas had Negroes on its track squad in 1964. Listed below are the enrollments of tax-supported colleges with estimated white and Negro enrollment based on known enrollment. Many schools keep no racial records, and even estimates of the number of Negroes are becoming difficult to obtain in many cases. Under the column "Date Desegregated" these symbols are used: S— retains segregation; V— voluntary segregation; and C—court-ordered desegregation.

Predominantly White Senior Colleges	Enrollment White	Enrollment Negro	Date Deseg.
Arlington State	9,850	175	1962-V
East Texas State	5,311	19	1964-V
State Coll. of Lamar Tech.	7,471	300	1956-C
Midwestern Univ.	2,708	75	1955-C
North Texas State	11,658	220	1956-C
Pan American	2,340	20	1954-V
Sam Houston State	5,713	25	1964-V
Southwest Texas State	4,426	12	1963-C
Stephen F. Austin State	4,267	20	1964-V
Sul Ross State	1,356	4	1964-V
Tarleton State	1,570	0	1964-V
Texas A&M Univ.	8,212	25	1963-V
Texas College of A&I	4,191	40	1957-V
Texas Tech	13,777	50	1961-V
Texas Western	6,432	200	1956-C
Texas Woman's Univ.	3,320	60	1961-V
University of Houston	17,650	100	1962-V
University of Texas	23,826	175	1950-C
West Texas State Univ.	4,515	55	1960-C
TOTALS	138,593	1,575	
Predominantly White Junior Colleges			
Alvin	1,144	0	1964-V
Amarillo	2,125	175	1950-V
Blinn	776	0	S
Cisco	507	9	1956-V
Clarendon	187	3	1962-V
Cooke County	737	10	1956-V
Del Mar	2,918	50	1952-V
Frank Phillips	669	5	1951-V
Henderson County	692	33	1963-V
Hill	469	20	1962-V
Howard County	871	10	1951-V
Kilgore	1,849	0	S
Laredo	895	7	1954-V
Lee	1,690	96	1963-V
Navarro	920	25	1961-V
Odessa	2,137	25	1952-V
Panola County	383	7	1964-V
Paris	468	25	1956-V
Ranger	215	6	1956-V
San Angelo	1,817	28	1951-V
San Antonio	9,000	200	1955-V
San Jacinto	2,451	15	1962-V
South Plains	873	6	1959-V
Southwest Texas	632	6	1955-V
Temple	1,033	22	1957-V
Texarkana	960	60	1963-C
Texas Southmost	767	3	1955-V
Tyler Junior	2,852	4	1964-V
Victoria	1,165	25	1955-V
Weatherford	650	3	1962-V
Wharton County	1,413	100	1954-V
TOTALS	43,265	978	
STATE TOTALS	181,858	2,553	

Predominantly Negro Senior Colleges			
Prairie View A&M	0	3,234	196[illegible]-V
Texas Southern	16	4,182	1956-C
TOTALS	16	7,416	
Predominantly Negro Junior Colleges			
St. Philip's	160	640	1955-V
Tyler District	0	250	S
TOTALS	160	890	
STATE TOTALS	176	8,306	

*Estimated racial breakdown based on total enrollment.

FACULTIES

The University of Texas in 1964 appointed two Negro faculty members. About one-fourth of Texas Southern University's faculty is white. Generally there has been no desegregation elsewhere in faculties of tax-supported colleges.

SPECIAL SCHOOLS

Desegregated special schools in Texas include Abilene State School, (epileptics); Austin State School and Mexia State School (mentally retarded); Moody State Home (cerebral palsy); Bexar County Boys School; and Mountain View School for Boys, Coryell County. All these are accredited as independent school districts.

ETHNIC GROUPS

Enrollment of non-Negroes in formerly all-Negro schools in Texas is increasing, particularly in cities such as San Antonio, which have large numbers of Latin-Americans.

LITIGATION (43)

Adams v. Longview ISD Board of Trustees

Filed in state district court in September, 1962, to desegregate Longview ISD and have the state referendum law (*Ch. 283*, 1957) declared invalid. District desegregated September, 1963. (See *Adams et al v. Matthews)*

Adams et al v. Matthews

Filed in U.S. District Court on Nov. 23, 1962, to desegregate Longview public schools. In June, 1963, U.S. District Judge Joe M. Sheehy ordered a desegregation plan submitted. The judge rejected a proposal for desegregation in 1964, and in August, 1963, ordered the grade-a-year plan begun in September, 1963. The board complied.

Atkins v. Mathews

Filed in 1955 in U.S. District Court, Eastern District of Texas. District judge ordered Negroes admitted to North Texas State College in December, 1955. School desegregated in 1956.

Avery v. Wichita Falls ISD

Suit filed in 1955 in U.S. District Court, Northern District of Tex. Application to desegregate Wichita Falls schools dismissed by district court. Fifth Circuit Court of Appeals reversed with order to desegregate.

Barnes v. Calvert

State District Court in 1955 denied injunction to halt use of funds for desegregated undergraduate education at The University of Texas.

Battle v. Wichita Falls Junior College

Suit filed in 1951 in U.S. District Court, Northern District at Wichita Falls, to desegregate municipal junior college (now Midwestern University). District judge ordered desegregation. U.S. Fifth Circuit Court of Appeals affirmed and U.S. Supreme Court denied certiorari.

Bell v. Rippy (Later *Brown v. Rippy, Borders v. Rippy,* and *Boson v. Rippy)*

Filed in U.S. District Court in 1955 as class action. District court on Sept. 16, 1955, found white and Negro schools substantially equal and dismissed case on grounds Supreme Court decision required desegregation planning by school officials. U.S. Fifth Circuit Court of Appeals reversed on May 25, 1956. District court, on Dec. 19, 1956, refused injunction on grounds it would be "civil wrong" to white pupils to admit Negroes to already crowded schools. Circuit court reversed dismissal and ordered district court to issue decree for desegregation "with all deliberate speed." On petition for rehearing, circuit court denied delay, which had been requested on grounds that a state law would deprive the district of substantial funds if it desegregated. The court held that the legislation could not relieve either federal or state officials of their duty to uphold U.S. constitution. The district court then issued, on Sept. 5, 1957, an order for desegregation to begin in January, 1958. On appeal by the board, the circuit court reversed the desegregation order and directed the lower court to enter an order in compliance with its previous instructions. On Aug. 4, 1959, the district court denied request for immediate desegregation. Circuit court on March 11, 1960, ordered plan submitted. On April 30, the board submitted a grade-a-year plan with liberal transfer provisions, but District Judge T. Whitfield Davidson proposed that the board submit a plan for three classes of schools—one for whites, Negroes and both races. The board adopted the new plan and the court approved it. The circuit court, on Nov. 30 and Dec. 7, 1960, rejected the "salt-and-pepper" classification by race. The court ordered the grade-a-year plan reinstated, and in a supplemental opinion cast doubt on the constitutionality of pupil transfers based on race. The district court on June 27, 1961, ordered the grade-a-year plan to begin in September, 1961, but struck from the plan the transfer provision. In October, 1964, Judge Davidson refused a plea to speed desegregation.

Brown v. Hendrix

Filed September, 1962, in U.S. District Court to desegregate Beaumont ISD. Grade-a-year desegregation began in 1963.

Butler v. Wilemon

Filed in 1949 in U.S. District Court, Northern District of Texas. The court ordered Waxahachie ISD to furnish substantially equal teaching facilities for Negroes as for whites.

Carter v. Hix

Filed in September, 1962, in U.S. District Court to desegregate Gatesville ISD. The plaintiffs were nine Negro students who refused transportation to another all-Negro school after their own school was closed. U.S. District Judge in March, 1963, ordered the schools desegregated, and the district complied the following September.

Cash v. Close City

Filed in November, 1962, in state district court at Post, by white parents seeking to stop alleged discrimination in favor of Negroes on transfer policies. District desegregated in 1963.

Dallas Independent School District v. J. W. Edgar

Filed in U.S. District Court in 1958. Dismissed by district and circuit courts. Filed in State District Court in 1959. Dismissed by all state courts through Supreme Court on the holding that suits against the state cannot be maintained without consent of the legislature. The suit sought to test validity of *Ch. 283* of 1957 requiring referendum approval of desegregation, with loss of state school funds as the penalty.

Eastland v. Wheat

Filed in 1960 in U.S. District Court to desegregate Northeast Houston ISD. Grade-a-year plan for September, 1963, approved by agreement, but no Negroes enrolled.

Evans et al v. Brooks

Filed at Galveston in U.S. District Court, August 1961, to desegregate public schools at Texas City. U.S. District Judge James Noel on April 10, 1962, ordered desegregation begun in September, 1963, with three high school grades, adding a grade a year.

Flax v. Potts

Filed in 1959 in U.S. District Court to desegregate Fort Worth public schools. District Judge Leo Brewster on Dec. 14, 1961, ordered that desegregation begin by September, 1962, but appeals by the board delayed compliance. In February, 1963, the U.S. Fifth Circuit Court of Appeals refused to reverse the order. Judge Brewster in April, 1963, approved a grade-a-year plan, which began in September, 1963.

Gibbs v. Point Isabel ISD

U.S. District Court in September, 1962, ordered immediate desegregation. The district had just one Negro family, and no appeal was taken from the trial court decision.

Hernandez et al v. Driscoll CISD et al

School children of Mexican descent claimed separate classes for them in first two grades of school was a deprivation of rights under the 14th Amendment. On Jan. 11, 1957, U.S. District Court held that grouping only by ability to speak and understand English would be permitted in the 1957-58 term.

Jackson v. McDonald

U.S. District Court in 1956 ordered Lamar State College of Technology desegregated.

Jackson v. Rawdon

Filed in 1955 in U.S. District Court, Northern District of Texas at Fort Worth, seeking desegregation of Mansfield, Tex., public schools. District judge denied injunction. U.S. Fifth Circuit Court of Appeals, in June, 1956, overruled and ordered admissions without regard to race; however the district has not desegregated.

Kreger et al v. Board of Trustees, Georgetown ISD

Filed in State District Court at Georgetown in July, 1962, to halt spending of bonds voted to build a new, separate school for Negroes. C. J. Kreger and other taxpayers called the expenditure improper in view of the U.S. Supreme Court opinions. The trustees won a temporary injunction against the group trying to stop issuance of the $525,000 in bonds. The Third State Court of Civil Appeals ruled in May, 1963, that the district could not spend money to build segregated facilities. The State Supreme Court rejected the trustees' attempts to appeal in August, 1963.

Liase v. Longview ISD Board of Trustees

Filed September, 1962, in U.S. District Court, Tyler, to desegregate Longview ISD. Withdrawn same month.

Marshall v. Kolb

Filed in U.S. District Court July 29, 1963, to desegregate La Marque schools. All grades desegregated 1964 and plaintiff moved from district.

McGrue v. Williams

Filed in U.S. District Court in November, 1962, to desegregate Waco ISD. Desegregation began September, 1963, under grade-a-year plan voluntarily adopted by school board.

McKinney v. Blankenship

Filed in 1955 in State District Court at Big Spring, attacking constitutionality of requirement that state funds be paid separately to schools based on white and Negro attendance. State trial and appellate courts held law unconstitutional insofar as it prohibited payments to desegregated schools (1955). Went through State Supreme Court.

Miller v. Barnes

Filed September, 1962, in U.S. District Court, Austin, to desegregate public schools in Georgetown, Williamson County. The attorneys agreed to work out a plan with the court's approval, and U.S. District Judge Ben Rice in July, 1963, approved the grade-a-year plan to start in September, 1964, which the U.S. Fifth Circuit Court of Appeals changed to two grades a year.

Mills v. Woods

Filed in 1951 in U.S. District Court, Northern District of Texas, to set aside action of school board at Euless, Tex., to discontinue separate Negro elementary school. District court issued injunction against discontinuance. U.S. Fifth Circuit Court of Appeals overruled, declaring state administrative procedure should have been exhausted before court acted.

Price et al v. Denison ISD et al

Filed in U.S. District Court on Jan. 9, 1964, by Negroes asking complete desegregation and condemning the grade-a-year plan in use. District Judge Joe Sheehy in April, 1964, rejected the proposal.

Rainwater v. Smith

Filed in U.S. District Court on Nov. 8, 1962, to desegregate Carrollton ISD. U.S. District Judge Sarah T. Hughes in December, 1962, ordered "speedy termination of segregation." Desegregation began in September, 1963.

Rice University v. Carr

Filed in State District Court in February, 1963, against the state attorney general by university trustees seeking to construe the 1891 will of William Marsh Rice to permit racial desegregation and charging of tuition. State circuit court jury in February, 1964, held "impracticable" the will provisions and their enforcement. The jury decided that the main intent of the will was to provide a "first class school." State District Judge William H. Holland then authorized the trustees to disregard the will provisions on race and tuition, and overruled a motion for a new trial, which had been requested by two ex-students opposing change of the will.

Richard v. Christ

Filed U.S. District Court, September, 1962, to desegregate Hamshire-Fannett ISD, Jefferson County. Pending.

Robinson v. DeLay

Filed in U.S. District Court in 1963 to desegregate Lewisville schools. High school desegregated September, 1964, and U.S. District Judge Joe Sheehy dismissed suit.

Robinson v. Evans

Filed in 1960 in U.S. District Court, Southern District of Texas, to desegregate Galveston public schools. Court ordered desegregation to begin on grade-a-year basis in September, 1961. District desegregated.

Ross v. Rogers (Later *Ross v. Peterson*)

Filed in U.S. District Court in 1956. Court ordered desegregation of Houston schools "with all deliberate speed" and in August, 1960, rejected a "salt-and-pepper" proposal and ordered grade-a-year desegregation to begin September, 1960. U.S. Fifth Circuit Court of Appeals upheld Sept. 6, 1960. In March, 1962, District Judge Ben Connally rejected motions to liberalize transfer provisions, but circuit court in December, 1962, ruled the "brother-sister" restriction on pupil assignment to be discriminatory.

Sampson v. Thorne

Filed in U.S. District Court in June, 1964, to desegregate Aldine schools, including faculty. District desegregated September, 1964.

Sanders et al v. Ransom et al

Filed in U.S. District Court, at Austin in November,

1961, to abolish all segregation in dormitories at the University of Texas. Some men's dormitories there were desegregated; all women's dormitories were segregated. Suit dismissed in 1964 when dormitories desegregated.

Shipp v. White et al

U.S. District Court in March, 1960, ordered desegregation of West Texas State College.

Simmons v. Edwards

Filed in 1960 in U.S. District Court, Northern District of Texas (Lubbock) to desegregate Frenship School District, Lubbock County. Voters later approved voluntary desegregation.

Smith v. Flowers

Filed August, 1962, in U.S. District Court, Austin, to desegregate Southwest Texas State College at San Marcos. U.S. District Judge Ben Rice ordered the school desegregated and six Negroes entered on Feb. 4, 1963.

Sweatt v. Painter

Filed in 1946 in U.S. District Court, Western District of Texas. U.S. Supreme Court June, 1950, ordered Heman Sweatt admitted to University Law School in first case declaring "separate, equal doctrine" would not suffice.

Thomas v. Bowen

Seeks to desegregate public schools at Bryan. Filed September, 1961, in U.S. District Court at Houston. U.S. District Judge Joe Ingraham in July, 1963, ordered desegregation to begin in September, 1963, and the district complied.

Washington et al v. Reidel

Filed August, 1961 in U.S. District Court at Houston to desegregate A&M Consolidated ISD (near Bryan). U.S. District Judge Joe Ingraham in September, 1962, ordered desegregation to begin in September, 1963. District desegregated.

White v. Smith

Filed in 1955 in U.S. District Court, Western District of Texas, seeking to admit Negroes to Texas Western College. District judge held state statutes requiring segregation in public schools to be unconstitutional and void.

Whitmore v. Stilwell

Filed in 1955 in U.S. District Court, Eastern District of Texas. In the same year, the U.S. Fifth Circuit Court of Appeals ordered Texarkana Junior College desegregated, but a mob barred them from the school. The first Negroes were admitted in 1963.

LEGISLATION (9)

1957

(Second Special Session)

***HCR 3*—Questioned constitutional authority for use of federal troops at Little Rock, and urged president to refrain from sending federal troops to Texas.**

***HCR 5*—Urged constitutional amendment to limit federal authority on preservation of order.**

***HCR 32*—Urged establishment of qualifications for federal judiciary.**

***HCR 33*—Urged that preservation of order and operation of schools be left to state.**

***Ch. 7*—Authorized closing schools to prevent violence and military occupation.**

***Ch. 8*—Authorized attorney general to provide legal defense for school boards.**

***Ch. 20*—Required registration with county clerk or judge of organizations interfering with school operations.**

1957

(Regular Session)

***Ch. 283*—Provided local option desegregation elections, requiring voter approval for a desegregated district to continue receiving state aid. Attorney General Will Wilson ruled in 1960 that state aid could be continued for districts that desegregated by court order but without voter approval. Ruled unconstitutional, in effect, in 1961 decision in Dallas case, Attorney General Wilson, in a second ruling, declared the act unconstitutional on Jan. 1, 1963, his last day in office.**

***Ch. 287*—Established pupil placement requirements.**

VIRGINIA

Elementary and High Schools

130 Districts: 128 With Negroes and Whites;
81 Desegregated

	White	Negro	Total
Enrollment*	733,524	234,176	967,700
Teachers*	31,443	9,051	40,494

*1963-64

Colleges and Universities

17 Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	21	2	23
Enrollment	42,420	4,173	46,593

Status of Segregation-Desegregation

PUBLIC SCHOOLS

Desegregation began in Virginia in February, 1959, when the state abandoned its "massive resistance" program, and four districts—Alexandria, Arlington County, Norfolk and Warren County—accepted Negroes in schools with whites by court order. Nine schools in three communities—Charlottesville, Norfolk and Warren County—had closed in the fall, 1958, to evade desegregation orders. When these schools re-opened, Charlottesville received court permission to delay desegregation until the fall, 1959. Prince Edward County kept all public schools closed from the summer, 1959, to fall, 1964, in an effort to avoid a desegregation order dating from the original School Segregation Cases of 1954 *(Davis v. Prince Edward County)*. Since 1959, Prince Edward white children have attended a private, segregated school system. The Negroes had no schools except during 1963-64, when a privately financed free school opened through the co-operation of federal, state and county officials. Only seven whites returned to the re-opened public schools for 1964-65. In Surry County, all white students have boycotted the public school since the State Pupil Placement Board first assigned Negroes there for September, 1963. The whites attend a private, segregated school. The desegregated districts are:

Districts	Enrollment White	Enrollment Negro	Negroes w/Whites	Brcl. Schls.	Date Deseg.
Accomack Co.	3,322	3,357	3	2	1964-V
Albermarle Co.	4,792	1,488	36	3	1963-V
Alexandria	14,000	2,000	500	19	1959-C
Amelia Co.	603	1,179	6	1	1964-V
Amherst Co.	3,193	1,536	8	2*	1962-V
Arlington Co.	24,490	2,510	610	26	1959-C
Augusta Co.	9,174	250	14	3	1962-V
Bath Co.	972	98	3	1	1964-V
Bristol	3,615	385	3	1	1964-V
Brunswick Co.	1,635	3,252	28	2	1964-V
Campbell Co.	6,800	2,335	5	1	1964-V
Carroll Co.	5,382	23	8	1	1964-V
Charles City Co.	393	1,376	7	1	1963-V
Charlottesville	4,588	1,260	112*	4	1959-C
Chesapeake	17,473	6,730	18	5	1963-V
Chesterfield Co.	19,113	2,407	172	8	1962-C
Clarke Co.	1,525	375	4	2	1964-V
Covington	2,018	492	12	3	1964-V
Culpepper Co.	2,623	1,729	20	3	1963-V
Danville	7,270	3,115	18	5	1963-V
Dinwiddie Co.	2,147	2,661	10	1	1963-V
Fairfax Co.	85,910	2,480	785	65	1960-C
Falls Church	2,094	22	22	3	1961-V
Fauquier Co.	4,243	1,956	11	3	1963-V
Floyd Co.	2,140	102	45	2	1960-C
Frederick Co.	5,751	88	13	4	1963-V
Fredericksburg	1,863	693	46	3	1962-V
Galax	1,331	86	30	1	1960-V
Giles Co.	4,301	125	125	9	1964-V
Gloucester Co.	1,910	909	3	1	1964-V
Grayson Co.	3,200	100	10	3	1960-C
Greene Co.	934	118	15	1	1963-V
Halifax Co.	4,288	4,809	2	1	1964-V
Hampton	18,696	5,395	150	12	1961-V
Hanover Co.	5,466	2,089	26	4	1963-V
Harrisonburg	2,310	260	17	2	1964-V
Henrico Co.	27,500	1,690	105	14	1963-V
Hopewell	3,724	830	56	3	1963-V
King George Co.	986	642	112	2	1962-V
King & Queen Co.	238	958	7	1	1963-V
King William Co.	925	930	16	1	1961-C
Lee Co.	6,154	20	16	5	1964-V
Loudoun Co.	5,395	1,337	74	4	1962-V
Lynchburg	9,200	3,111	150	12	1962-C
Madison Co.	1,327	543	3	1	1964-V
Martinsville	3,392	1,628	2	1	1963-V
Mecklenburg Co.	3,728	4,580	4	2	1964-V
Middlesex Co.	1,637	1,730	15	1	1963-V
Montgomery Co.	6,976	330	38	5	1961-V
Newport News	17,554	10,769	302	11	1961-C
Norfolk	34,754	21,330	3,239	20	1959-C
Northampton Co.	1,600	2,750	5	2	1964-V
Norton	1,229	98	1	1	1963-V
Page Co.	3,494	141	6	1	1964-V
Petersburg	3,502	4,631	47	3	1963-V
Pittsylvania Co.	8,891	6,640	1	1	1964-V
Portsmouth	12,052	11,905	293	7	1962-V
Powhatan Co.	459	725	77	1	1963-C
Prince Edward Co.	7	1,542	1,542	4	1964-C
Prince George Co.	4,000	1,452	199	5	1963-V
Prince Wm. Co.	15,740	1,010	78	12	1961-V
Pulaski Co.	6,330	433	78	3	1960-C
Radford	1,800	200	4	1	1963-V
Rappahannock Co.	922	274	3	2	1964-V
Richmond	17,986	26,439	846	13	1960-C
Roanoke	15,275	4,662	815	8	1960-C
Roanoke Co.	15,392	893	28*	10*	1961-C
Rockbridge Co.	4,538	523	6	3	1964-V
Rockingham Co.	9,979	179	37	6	1964-V
Shenandoah Co.	4,822	109	109	7	1962-V
Spotsylvania Co.	2,750	1,050	20	3	1963-V
Stafford Co.	3,884	611	211	4	1961-C
Staunton	3,900	552	39	6	1963-V
Suffolk	1,450	900	3	2	1964-V
Surry Co.*	0	1,287	0	0	1963-V
Virginia Beach	29,110	3,835	230	12	1962-V
Warren Co.	2,137	263	34	2	1959-C
Williamsburg	2,097	1,486	5	2	1964-V
Winchester	2,765	302	46	4	1962-C
Wythe Co.	5,169	309	1	1	1964-V
York Co.	1,156	5,357	83	5	1962-C
TOTALS	585,491	189,046	11,883	422	

*1963-64.

TEACHERS

Six Negro teachers and a Negro principal lost their jobs in June, 1964, when Giles County closed its two Negro schools and transferred all the Negro pupils to predominantly white schools. Some Negro teachers are teaching in schools with whites in Alexandria and Roanoke, and in Arlington and Fairfax counties. In Prince Edward County, nine of the 68 teachers in the county's one high school and three elementary schools are white. The state education association for white teachers has desegregated.

HIGHER EDUCATION

The first desegregation of higher education in Virginia was at the University of Virginia, where a Negro entered the law school under court order in 1950 *(Swanson v. University of Virginia)*. The state's colleges are:

Predominantly White Four-Year Colleges	Enrollment* White	Enrollment* Negro	Date Deseg.
University of Virginia	6,470	30	1950-C
Medical College of Virginia	1,322	12	1951-V
Virginia Polytechnic Institute	6,485	3	1953-V
Richmond Professional Inst.	6,000	37	1951-V
William and Mary	2,843	6	1951-V
Old Dominion	6,628	20	1963-V
Longwood	1,438	0	
Madison	2,004	0	
Mary Washington	1,750	1	1962-V
Radford	2,456	4	1963-V
Virginia Military Institute	1,187	0	
TOTALS	38,583	113	
Predominantly Negro Four-Year Colleges			
Virginia State, Petersburg	3	1,700	1964-V
Virginia State, Norfolk**	0	2,470	1964-V
TOTALS	3	4,170	
Predominantly White Two-Year Colleges			
Clinch Valley	301	0	
VPI, Danville	263	0	
VPI, Clifton Forge-Covington	187	3	1964-V
George Mason	349	1	1964-V
Richard Bland	541	1	1964-V
Christopher Newport	1,183	2	1963-V

Patrick Henry	282	5	1962-V
Roanoke Technical	314	6	1962-V
Wytheville Community College ..	228	0	
Univ. of Virginia, Lynchburg ...	57	1	1964-V
TOTALS	3,705	19	
STATE TOTALS	42,291	4,302	

*Includes estimates.

**Virginia State, Norfolk, accepted a white applicant for admission in September, 1964, but he did not enroll.

FACULTIES

Segregation is maintained in all-white and predominantly white institutions. Several whites are on the faculty at the predominantly Negro Virginia State College, Petersburg.

SPECIAL SCHOOLS

Adult vocational programs in various communities have desegregated.

ETHNIC GROUPS

Four small schools are operated exclusively for Indians—one by the state on an Indian reservation and three by counties in Indian settlements. Some Indians have attended white public schools and some have attended Negro public schools in Virginia.

LITIGATION (56)

Abrams v. York

Filed in U.S. District Court Aug. 31, 1962, by a Negro girl seeking admission to all-white Grafton-Bethel Elementary. On Sept. 11, 1962, U.S. District Judge Walter E. Hoffman ordered her admitted to the first grade.

Adkinson v. Newport News School Board

Desegregation plea delayed by U.S. District Court, Eastern Virginia, after Newport News-Warwick merger in 1958 raised new legal issues. Negro attorneys notified court July, 1959, that no Negroes would apply in fall, 1959. Desegregation began in fall, 1961.

Allen v. Charlottesville School Board (Later *Dillard v. Charlottesville)*

U.S. District Court, Western Virginia, in August, 1956, ordered desegregation by fall of 1956. State's massive resistance program delayed compliance until September, 1959. On Sept. 17, 1962, U.S. Fourth Circuit Court of Appeals ruled invalid provision of desegregation plan that allowed any child to transfer from a school in which his race was in the minority. On June 17, 1963, U.S. Supreme Court refused to review decision striking down minority transfer provision.

Allen v. Prince Edward County School Board (See *Davis v. Prince Edward County)*

Almond v. Day

Test case in which State Supreme Court in November, 1955, approved tuition grants *(Acts of 1954, Ch. 708)*.

Anderson v. West Point and King William County School Boards

Suit filed Sept. 22, 1961, in U.S. District Court at Richmond asking injunction against State Pupil Placement Board from denying 10 Negro children admission to white schools in West Point. Placement board had admitted three other Negroes to West Point High. On Aug. 2, 1962, U.S. District Judge John D. Butzner ordered 10 more admitted to the high school. On June 10, 1963, Judge Butzner struck down proposed zoning plan because it included minority transfer provision.

Atkins et al v. School Board of Newport News

Filed in U.S. District Court to desegregate city schools. Court on Jan. 11, 1957, declared Pupil Placement Act. *(Ch. 70, 1956)* unconstitutional on its face because it required consideration of race on assignments. Court on Feb. 11, 1957, ordered desegregation. Case combined with *Beckett v. Norfolk*. (Also see *Adkinson v. Newport News)*

Beckett v. Norfolk School Board

U.S. District Court, Eastern Virginia, in January, 1957, held pupil placement law *(Ch. 70, Acts of 1956)* invalid "on its face" and in February, 1957, ordered Negro assignments by September, 1957. Desegregation began February, 1959. On July 30, 1964, District Judge Walter E. Hoffman upheld the city's desegregation plan. (See *Farley v. Turner* and *Atkins v. Newport News)*

Bell v. Powhatan School Board

Filed in U.S. District Court Aug. 17, 1962, by 65 Negroes seeking admission to county white schools. On Jan. 3, 1963, District Judge John D. Butzner Jr. of Richmond ordered three Negroes admitted to county schools and enjoined school board and board of supervisors from closing schools. On July 1, 1963, U.S. Fourth Circuit Court of Appeals upheld the district court order enjoining Powhatan school board from closing schools but threw out reference to supervisors. The court also ordered Powhatan County to pay plaintiffs' counsel fees. On Oct. 28, 1963, Judge Butzner allowed fees of $2,100 to each of two plaintiff lawyers. *(See also Powhatan County School Board v. State Pupil Placement Board.)*

Belton v. King George County School Board

Filed Nov. 28, 1962, in U.S. District Court on behalf of 38 Negro children seeking admission to white or predominantly white schools. On June 27, 1963, District Judge John D. Butzner Jr. ordered the children admitted. On Sept. 23, 1963, the school board submitted a desegregation plan.

Blackwell v. Fairfax County School Board (Later *Blakeney v. Fairfax County)*

Twenty-six Negroes sought admission to eight schools in suit filed in U.S. District Court. On Sept. 22, 1960, the court rejected academic criteria being applied only to Negroes, struck down the grade-a-year plan, and ordered some plaintiffs admitted immediately. Desegregation began fall, 1960. On June 14, 1963, plaintiffs contended "dual school system" was still being operated. District Judge Oren R. Lewis on March 4, 1964, ruled the plan was not discriminatory. On June 23, 1964, the U.S. Fourth Circuit Court of Appeals overruled Judge Lewis and on Aug. 3, 1964, he enjoined assignments based on race, but refused to order all-Negro schools abolished.

Blakeney v. Fairfax County School Board (See *Blackwell v. Fairfax County)*

Bradley v. Richmond School Board

Suit filed in U.S. District Court at Richmond Sept. 5, 1961, on behalf of 11 Negro children whose applications to two predominantly white desegregated schools had been turned down by State Pupil Placement Board. Court asked to require city to adopt "a racially non-discriminatory school system." In July, 1962, U.S. District Judge John D. Butzner ordered 10 Negroes admitted to already desegregated schools. On May 10, 1963, U.S. Fourth Circuit Court ordered school board to eliminate "discriminatory" school assignment procedures. On March 17, 1964, Judge Butzner approved a pupil assignment plan permitting children to apply to attend any school in the city and allowing authorities to make assignments on the basis of distance, school capacity and academic program.

Braxton v. Stafford County School Board

Suit filed in September, 1961, in U.S. District Court at Alexandria challenging the 1956 state law that conferred school assignment authority on the State Pupil Placement Board. Filed on behalf of 18 Negro children who were not among the two admitted to a county white school when desegregation began in September, 1961.

Brooks v. Arlington County School Board (See *Thompson v. Arlington County)*

Brooks v. Galax School Board

U.S. District Court, Western Virginia, in September, 1959, ordered one Negro admitted in January, 1960, but child decided not to enter. Same court in September, 1960, ordered Negroes admitted from adjoining Grayson County. Desegregation began September, 1960.

Brown v. Frederick County

Filed Sept. 18, 1962, in U.S. District Court, by two Negroes seeking immediate admission to all-white James Wood High School. On Oct. 3, U.S. District Judge Thomas J. Michie denied the request pending a hearing. (County did not operate Negro high school but transported Negroes to another county.) On July 22, 1963, Judge Michie ruled the case moot because the Negro children had been admitted to white schools. On Jan. 27, 1964, the U.S. Fourth Circuit Court of Appeals ordered the case re-opened, and Judge Michie restored it to the docket on March 11, 1964.

Buckner v. Greene County School Board

Filed April 26, 1963, in U.S. District Court by six Negroes seeking desegregated schools. On Nov. 19, 1963, District Judge Thomas J. Michie ordered the case stricken from the record because Negro plaintiffs had been admitted to white schools. U.S. Fourth Circuit Court of Appeals on May 25, 1964, reversed Judge Michie and he ordered the case reinstated on June 3, 1964.

Calloway v. Farley

U.S. District Court, Eastern Virginia, Sept. 18, 1957, granted injunction restraining Pupil Placement Board and city from denying Negroes in Richmond enrollment in school solely because they failed to apply through the board.

Coley v. Brewbaker

Norfolk Circuit Court in August, 1958, denied injunction that would have prohibited local school board from making pupil assignments. Reversed three days later by two State Supreme Court justices. In September, 1958, U.S. District Court, Eastern Virginia, overrode State Supreme Court.

Crisp v. Pulaski School Board

U.S. District Court, Western Virginia, on April 26, 1960, ordered 14 Negroes admitted to white schools in September, 1960.

Davis v. Prince Edward County School Board (Later *Allen v. Prince Edward,* and now *Griffin v. Prince Edward)*

Griffin v. Prince Edward County Board of Supervisors

Filed in U.S. District Court on May 23, 1951, by Negro children of high school age residing in Prince Edward County to enjoin the segregation of Negroes and whites in public schools. A three-judge district court found in 1952 that the Negro school was inferior in physical plant, curricula and transportation, but denied the plaintiffs admission to a white school. The court ordered the defendants to equalize facilities "with all reasonable diligence and dispatch." The case was one of the five school segregation cases decided by the U.S. Supreme Court in 1954. The court ruled on May 17 that the Negroes were "deprived of equal protection of the laws guaranteed by the 14th Amendment." On May 31, 1955, the Supreme Court issued an implementing decision in the five cases, ordering compliance with its earlier decision "with all deliberate speed." The justices remanded the case to the respective lower courts. Subsequent developments:

July 18, 1955 — A three - judge U. S. District Court entered an "all deliberate speed" decree for the admission of Negroes to county schools without discrimination. It authorized a delay pending necessary arrangements. A motion was made that the constitutionality of the Virginia segregation statutes had been decided and that the three-judge court should be dissolved for the case to be considered by a single judge. The three-judge court dissolved itself on July 17, 1956, and turned over jurisdiction in the case to a single-judge court.

Jan. 23, 1957—This court denied motions by both sides. The court refused to set a requested deadline of September, 1956, for the desegregation of Prince Edward schools. It based its decision on conditions in the county—public opinion unfavorable to desegregation and the possibility of school closings. The court denied the defendants' motion for dismissal of the suit.

Nov. 11, 1957—The case appeared in the U.S. Fourth Circuit Court of Appeals as *Eva Allen et al v. County School Board of Prince Edward County, Va., et al.* The appellate court reversed the district court opinion and remanded the case with directions to enter a decree for abolition of racial discrimination in school admission policies "without further delay."

Aug. 4, 1958—The suit returned to U.S. District Court with the Negroes asking the court to set a date for desegregation. After hearing the school board testify that racial relations in the county had deteriorated, the court fixed 10 years after the 1955 Supreme Court decision as the time for compliance, reserving the right to accelerate or extend the date if necessary.

May 5, 1959—The U.S. Fourth Circuit Court of Appeals again ruled on the case, now styled *Ulysses Allen, an infant, by Hal Edward Allen, his father and next friend. et al, v. the County School Board of Prince Edward County ,Va., et al.* The court reversed and remanded the District Court decision. The higher court set September, 1959, as the deadline for desegregating the high schools and ordered the elementary schools to admit pupils on a non-racial basis "at the earliest practical day."

June 26, 1959—The U.S. Supreme Court denied the school board's request for a delay. The same court denied certiorari on Oct. 12, 1959. The county had ceased operation of all its public schools in the summer of 1959.

Sept. 14, 1959—Private classes opened for the white children by the Prince Edward School Foundation.

April 22, 1960—Once again styled *Eva Allen et al v. County School Board of Prince Edward County, Va., et al,* the case returned to District Court with Judge Albert Bryan eliminating the 1965 deadline. The judge entered an order in accordance with the appellate court's mandate of May 5, 1959.

July 18, 1960—The Board of Supervisors enacted ordinances providing for local tuition grants and tax credits for contributions to private schools.

Sept. 19, 1960—U.S. District Judge Oren Lewis agreed to hear the Negroes' request for a supplemental plea in the case. The Negroes, in a complaint endorsed by the NAACP, sought to enjoin the county from refusing to operate public schools (closed in 1959) and to bar the sale or lease of the closed schools.

October, 1960—Judge Lewis heard the defendants' request for dismissal of the supplemental complaints. Before a decision, the NAACP counsel asked permission on Jan. 13, 1961, to file other supplemental complaints. The Negroes asked for an order prohibiting spending any public funds for the direct or indirect support of any private school excluding Negroes, or for aiding or reimbursing persons for tuition to any such private schools; for forbidding the award of tax credit for contributions to private schools excluding Negroes.

April 11, 1961—Judge Lewis granted the defendants the right to file their supplemental complaints requested the previous September and January.

April 26, 1961—The attorney general of the United States petitioned the U.S. District Court at Richmond to be allowed to intervene in the Prince Edward case. He asked to be allowed to file a supplemental complaint requesting the court to enjoin the county from paying tuition grants to students attending private schools so long as public schools remained closed, and also asking the court to bar state support of any public schools in Virginia until Prince Edward schools re-opened on a desegregated basis.

June 24, 1961—Judge Lewis ruled that the attorney general had failed to sustain his motion for intervention as a matter of right, and that permissive intervention would unduly delay the case.

Aug. 25, 1961—The Virginia constitution provides that the state "maintain" a system of schools "throughout the state," but the Negro plaintiffs contended that Prince Edward schools actually were owned and operated locally. Judge Lewis ruled that tuition grants and tax credits could not be used to support Prince Edward's private segregated system as long as public schools there remained closed, but he said the state courts must rule first on the constitutionality of closed schools.

September, 1961—The private system reopened for its third year and Prince Edward Negro children began their third year without schools.

Sept. 18, 1961—A suit filed in the Virginia Supreme Court of Appeals asked for a writ of mandamus to compel the county board of supervisors to levy taxes and appropriate funds for public schools in 1961-62 *(Griffin v. Prince Edward County Board of Supervisors)*.

March 5, 1962—Virginia Supreme Court of Appeals denied the writ, holding that the state constitution imposed no duty on county authorities to appropriate money for free public schools, that all such duties imposed were directed to the General Assembly, and that levying and collecting taxes was a discretionary duty of the legislature.

July 25, 1962—Judge Lewis declined to abstain further, and held that the county schools could not remain closed to avoid a desegregation order, while the state permitted other schools to remain open at taxpayers' expense. He held that state court opinions established that the state constitution required the state to maintain public schools and placed the responsibility on both state and local boards. The court also held that the county violated the 14th Amendment in failing to levy taxes to support public schools. The defendants were ordered to submit a desegregation plan by Sept. 7, 1962.

Aug. 31, 1962—The county school board and the state Board of Education asked the Richmond Circuit Court to determine whether the state must operate public schools in the county in the absence of county operation.

Oct. 10, 1962—The county school board told U.S. District Court it would follow the State Pupil Placement Law, which vested assignment authority in a state board, and the court ordered the county officials to submit a plan under which the state board made assignments. The district court also decreed that county public schools could not be closed while other state schools remained open, but it deferred compliance pending appeals.

Dec. 31, 1962—U.S. Fourth Circuit Court of Appeals authorized U.S. Department of Justice to enter case on side of Negro plaintiffs.

May 22, 1963—Prince Edward Board of Supervisors adopted 1963-64 budget with no funds for public schools.

March 21, 1963—Richmond Circuit Court Judge John Wingo Knowles ruled that neither the state nor federal constitutions required operation of public schools in the county, and that nothing in the state constitution or law prohibited tuition grants even though public schools were closed.

Aug. 12, 1963—U.S. Fourth Circuit Court overruled District Judge Lewis's order that had called for reopening of the schools. The circuit court, by a 2-to-1 vote, said federal courts should not act in a case until state courts have decided state constitutional questions. The circuit court found no merit in contentions that the 14th Amendment required states to maintain public schools or that the school closing had violated any court order. The court did say that the county's allowance of tax credit to taxpayers for contributions to private schools in the county might show state action in maintaining private schools, but this question could only be determined in light of a state court ruling on the county and state's duty in operating public schools. Associate Justice Brennan of the U.S. Supreme Court later issued an order staying the court of appeals' decision, pending the Supreme Court's consideration of a petition for a writ of certiorari.

Aug. 14, 1963—Gov. Albertis S. Harrison Jr. announced plans for establishment of the Prince Edward Free School Association, privately financed, to operate a tuition-free school for children not receiving formal education.

Sept. 16, 1963—Free schools opened, with enrollment of about 1,500 Negroes and four whites, other white children of the county continuing to attend the private segregated classes of the Prince Edward School Foundation.

Oct. 30, 1963—Negroes petitioned U.S. Supreme Court to "dispose of in convenient haste" the legal issues relating to the closing of the county's public schools.

Dec. 2, 1963—Virginia Supreme Court ruled state constitution did not require public schools in Prince Edward County, and that county could close its schools.

May 25, 1964—U.S. Supreme Court ruled that school closing violated constitutional rights of Negro children and returned case to District Court for order to reopen the public schools. On June 1, the court granted a plaintiffs' request that its decision be sent to the lower court "forthwith," without waiting for the normal three-week procedure.

June 5, 17, 1964—Judge Lewis ordered the county Board of Supervisors to levy the taxes necessary to raise money to reopen the schools in September.

June 23, 1964—The supervisors voted 4-2 to levy taxes to raise $189,000 to operate schools.

July 9, 1964—U.S. District Judge Oren R. Lewis refused a NAACP request to stop tuition grants for 1964-65 and to order supervisors to appropriate more money for schools, but he did forbid retroactive payment of grants for 1963-64.

Aug. 5, 1964—The supervisors authorized payment of local tuition grants to parents of white children expecting to attend the private segregated school system.

Aug. 13, 1964—Negro plaintiffs asked the Fourth Circuit Court to cite the supervisors for contempt for issuing the tuition grants.

Sept. 8, 1964—Public school reopened, attended by seven white children and more than 1,500 Negroes. (All other white children continued attending the segregated private system.)

Dec. 3, 1964—U.S. Fourth Circuit Court held that sufficient state action was involved in operation of the private schools to make them public schools, and ruled unconstitutional the use of tuition grants in the private, segregated schools.

DeFebio et al v. Fairfax County School Board et al

White mother requested Virginia Supreme Court of Appeals to require county to admit her child to school without filing placement application. The Court on Dec. 2, 1957, refused on the grounds that the act was within constitutional process of state, and that the plaintiffs had not challenged the act under the 14th Amendment.

Dillard v. Charlottesville (See *Allen v. Charlottesville*)

Dobbins v. Commonwealth

State Supreme Court in January, 1957, overruled compulsory attendance law conviction of a Negro who refused to attend a remote Negro school after being denied admission to a nearby white school.

Estes v. Farley

U.S. District Court, Eastern Virginia, Sept. 29, 1957, granted injunction against Pupil Placement Board, restraining enforcement of placement act in Norfolk.

Farley v. Turner

U.S. Fourth Circuit Court of Appeals on July 28, 1960, upheld the Norfolk school board's admission of four Negroes to white schools without following state pupil placement procedures.

Franklin v. Giles County School Board

Filed July 29, 1964, in U.S. District Court to prevent assignment of teachers on basis of race, after county announced it would close all-Negro schools and not rehire any Negro personnel.

Gilliam v. Hopewell School Board

Filed in U.S. District Court Oct. 17, 1962, by nine Negroes seeking admission to white schools. On July 12, 1963, U.S. District Judge John D. Butzner Jr. ordered nine admitted to two white schools. On Sept. 11, 1963, he ordered 15 more Negroes admitted. U.S. Fourth Circuit Court of Appeals on May 25, 1964, dismissed city's appeal.

Goins v. Grayson County School Board

Eight Negroes sought admission to white high school. U.S. District Court, Western Virginia, ordered desegregation to begin immediately. Desegregation began fall 1960.

Green v. Roanoke City School Board

Suit filed Aug. 20, 1960, in U.S. District Court at Roanoke seeking admission of 28 Negroes to white schools. Judge Oren R. Lewis on Oct. 4, 1961, ordered one Negro admitted, told the Pupil Placement Board to reconsider rejections of others. (Earlier, PPB had admitted six Negroes to white schools in September, 1960.) On July 18, 1962 District Judge Thomas J. Michie approved a 12-year desegregation plan. On May 22, 1962, the U.S. Fourth Circuit Court threw out the assignment plan as discriminatory. On June 3, 1963, Judge Michie approved Roanoke's five-year desegregation plan.

Griffin v. Prince Edward County Board of Supervisors
Griffin v. Prince Edward County School Board (See *Davis v. Prince Edward County)*

Griffin v. State Board of Education

Filed Aug. 17, 1964, in U.S. District Court by 15 Negro children and their parents against the State Board of Education and nine localities, attacking legality of state tuition grants. (The defendant localities, in which private schools had been organized because of desegregation of public schools, were the counties of Prince Edward, Powhatan, Warren, Surry, Amelia, King and Queen and Brunswick, and the cities of Charlottesville and Norfolk.) On Oct. 1, 1964, a special three-judge federal court refused to issue a preliminary injunction against grants and set a full hearing for Dec. 14.

Harrison v. Day

Virginia's attorney general petitioned the state Supreme Court to compel the comptroller to reimburse local school boards for tuition grants to children in private schools. He argued that school laws of the 1956 extra session had not violated the state constitution provision requiring that "the general assembly shall establish and maintain an efficient system of public free schools throughout the state" because that provision had been invalidated by the U.S. Supreme Court decision of 1954. The Virginia Supreme Court of Appeals on Jan. 19, 1959, found that only the segregation provisions of the state constitution had been invalidated by the 1954 decision, and that the other education provisions remained. The court held that 1956 constitutional amendment authorizing educational grants for children in private schools, had not empowered the general assembly to withhold funds from some desegregated public schools and appropriate these funds for the tuition grants, because this would violate the constitutional provision to "maintain" schools "throughout the state." Section 129 of the state constitution prevented closing desegregated schools while segregated schools remained open, the court ruled. (See *James v. Almond)*

Hill v. Prince George County School Board

On Nov. 1, 1963, parents of 24 Negro children filed desegregation suit contending they were being denied admission to certain county schools because of race. U.S. District Judge John D. Butzner Jr. on July 27, 1964, enjoined officials from using racial criteria in school admissions but he refused to order a general desegregation plan for the already desegregated district.

Hill et al v. the School Board of the City of Norfolk

U.S. District Court on May 8, 1960, held that pupil placement criteria and procedures were facially unconstitutional. U.S. Fourth Circuit Court of Appeals on Sept. 9, 1960, upheld on the grounds that the schools were in a period of transition, but the court said that academic tests must be administered equally to whites and Negroes.

Howard v. Alleghany County School Board

On Nov. 27, 1961, State Supreme Court invalidated *Chapter 68* of 1959, which permitted 10 per cent of the voters of a locality to force a referendum on sale of school property.

Isley v. Roanoke County School Board (Later *Marsh v. Roanoke County School Board)*

Suit filed Aug. 31, 1960, on behalf of seven Negro children. U.S. District Judge Oren R. Lewis on Oct. 4, 1961, ruled against plaintiffs. Appeal made to U.S. Fourth Circuit Court of Appeals on Nov. 1, 1961. Meanwhile, one Negro child assigned by the Pupil Placement Board entered an all-white county school in September, 1961. On July 18, 1962, U.S. District Judge Thomas J. Michie approved plan for complete desegregation in six years. On June 12, 1962, U.S. Fourth Circuit Court of Appeals found the plan discriminatory and ordered county to proceed to desegregate "on an acceptable schedule."

Jackson v. Lynchburg School Board

Four Negro students filed suit in U.S. District Court at Lynchburg Sept. 18, 1961, in an effort to force board to admit them to all-white high school. On Nov. 14, 1961, Judge Thomas J. Michie ordered two Negro ninth-graders admitted to the all-white E. C. Glass High School on Jan. 29, 1962. On March 15, 1962, Judge Michie approved a grade-a-year desegregation plan. On July 1, 1963, U.S. Fourth Circuit Court rejected city's grade-a-year plan because too much time would be required for full desegregation, and court ruled minority race transfers invalid.

James v. Almond

Whites sued the governor, attorney general of Virginia, and Norfolk school officials, seeking injunction against massive resistance laws. On Jan. 19, 1959, three-judge U.S. District Court held that as long as the state or city maintains or participates in the management of a school system, the due process and equal protection clauses of the 14th Amendment were violated by closing a public school or grade to avoid desegregation while permitting others that remain segregated to operate at taxpayer's expense. Court declared the governor's school-closing proclamation void.

James v. Duckworth

Federal District Court, Eastern Virginia, in January, 1959, enjoined Norfolk City Council from cutting off funds from secondary schools.

Jones v. Alexandria School Board

U.S. District Court on Feb. 6, 1959, ordered desegregation to begin Feb. 10, 1959, ruling that the maintenance of dual attendance zones based on race violated the constitution. District Judge Oren R. Lewis ordered case stricken from docket on ground that no issues remained.

Jordan v. Farley

U.S. District Court, Eastern Virginia, Sept. 29, 1957, granted injunction against Pupil Placement Board, restraining enforcement of placement act in Nansemond County.

Kilby v. Warren County School Board

U.S. District Court, Western Virginia, in September, 1958, ordered high school desegregated same month.

Stay denied Feb. 16, 1959, by Fourth Circuit Court of Appeals Judge Simon E. Sobeloff. Desegregation began in February, 1959.

Marsh v. Roanoke County School Board (See *Isley v. Roanoke County.*)

McLeod v. Chesterfield County School Board

Filed Feb. 28, 1962, on behalf of 15 Negro children seeking admission to all-white Ettrick Elementary School. On Nov. 15, 1962, U.S. District Judge John D. Butzner Jr. ordered Negroes admitted, and two enrolled.

NAACP v. Patty (See *NAACP v. Button*)

NAACP Legal and Educational Defense Fund v. Patty (See *NAACP Legal and Educational Defense Fund v. Button*)

NAACP v. Button, and
NAACP Legal and Educational Defense Fund v. Button

Virginia Supreme Court in September, 1960, ruled *Ch. 36, Acts of 1956*, unconstitutional, but upheld *Ch. 33*. U.S. Supreme Court in March, 1961, agreed to review. (*Ch. 36* banned inducing litigation. *Ch. 33* prohibited solicitation of business for lawyers.) On Sept. 14, 1962, Judge Edmund W. Hening in Richmond Circuit Court ruled out *Chapter 31* of 1956, requiring membership disclosure of organizations such as the NAACP, and *Chapter 35*, which defined barratry. On Jan. 14, 1963, U.S. Supreme Court by a 6-to-3 vote, invalidated *Ch. 33.*

Pettaway v. Surry County School Board

On Sept. 3, 1963, seven Negro children filed suit in U.S. District Court to force re-opening of county's white consolidated school, which the school board had closed on Aug. 24 after all the county's 430 white children had enrolled in the private segregated schools of the Surry Educational Foundation. (The State Pupil Placement Board earlier had assigned the seven Negroes to the white school.) On Oct. 2, 1963, U.S. District Judge John D. Butzner Jr. of Richmond, refused to order the re-opening, saying the issues involved were not significantly different from those of the Prince Edward case, and that the U.S. Fourth Circuit Court of Appeals had said federal courts should abstain from acting in that case until state courts had acted. Circuit court on May 25, 1964, declined to order schools reopened or tuition grants stopped, but returned case to District Court for hearing on merits. Judge John D. Butzner Jr. on June 19, 1964, ordered county schools reopened and halted tuition grants to private segregated schools; he refused on July 22, 1964, to modify this injunction. U.S. Fourth Circuit Court on Dec. 3, 1964, upheld District Court.

Powhatan County School Board v. State Pupil Placement Board

Filed July 3, 1962, in Richmond Circuit Court asking decision on which of the two boards had the responsibility of verifying pupil placement applications. On May 20, 1963, Richmond Circuit Court Judge E. W. Hening Jr. held that the placement board could not require local school board to verify pupil placement applications. (See *Bell v. Powhatan.*)

Scott v. Fredericksburg School Board

Filed March 7, 1962, in U.S. District Court by two Negroes seeking admission to all-white James Monroe School. Desegregation began on Aug. 29, 1962, by State Pupil Placement Board assignments. On Jan. 3, 1963, District Judge John D. Butzner Jr. directed admission of six more Negroes. On July 29, 1963, the court rejected the city's grade-a-year desegregation plan.

Shelton v. Hanover County School Board

State Supreme Court in June, 1956, reversed Hanover Circuit Court decision that bonds approved for segregated schools in referendum could not be used for non-segregated ones.

Swanson v. University of Virginia

A Negro lawyer, Gregory Hayes Swanson, filed class action in U.S. District Court in 1950 to enter university law school. Three-judge district court on Sept. 5, 1950, ordered his admission.

Thompson v. Arlington County School Board (Later *Brooks v. Arlington County School Board)*

U.S. District Court, Eastern Virginia, in 1956 ordered elementary school desegregation by Jan. 31, 1957, and secondary school desegregation by September, 1957. State's massive resistance program delayed compliance until February, 1959. U.S. District Judge Albert V. Bryan on Sept. 16, 1960, granted 14 Negroes transfers to schools with whites on grounds that they had been required to take academic tests not required of whites, but he rejected 20 other transfer requests. On March 1, 1962, U.S. District Judge Oren R. Lewis upheld a plan permitting children to transfer out of schools in which their race is in minority. On Oct. 31, 1963, the U.S. Fourth Circuit Court of Appeals ordered reinstatement of an anti-discrimination injunction against the Arlington school board, the injunction having been lifted in March, 1962, by Judge Lewis.

U.S.A. v. Prince George County School Board

On Sept. 17, 1963, the U.S. Department of Justice filed suit in U.S. District Court seeking an end to racial segregation in Prince George County schools attended by children of federal personnel at Ft. Lee. On June 23, 1963, District Judge John D. Butzner Jr. held that the federal government could bring suit to secure desegregated schooling for the children of Ft. Lee personnel because of contract provisions under which the county received federal school aid funds.

Walden v. Farley

U.S. District Court, Eastern Virginia, Sept. 29, 1957, granted injunction against Pupil Placement Board, restraining enforcement of placement act in Suffolk.

Walker v. Floyd County School Board

U.S. District Court, Western Virginia, on Sept. 14, 1960, ordered 14 Negroes admitted to white high school on Jan. 25, 1960.

Warden v. Richmond School Board

Six Negroes sought entry to white schools in suit filed in U.S. District Court, Eastern Virginia, in 1958. Case argued (for one remaining plaintiff) March 30, 1961, and taken under advisement by court. Desegregation began fall, 1960.

Williams v. Charlottesville and Albemarle County School Boards

Suit filed April 26, 1963, in U.S. District Court to bar construction of a junior high school at the existing Negro high school, on grounds that the new school would delay desegregation.

Williams v. Winchester School Board

Filed March, 1962, in U.S. District Court by two Negroes seeking admittance to all-white Handley High School. On June 7, 1962, Judge Thomas J. Michie ordered plaintiffs admitted. On July 17, 1962, Judge Michie approved a two-grades-a-year desegregation plan. Desegregation began in first and ninth grades in September, 1962.

Woodson v. Shenandoah County School Board

Filed Sept. 18, 1962, in U.S. District Court, by Negroes seeking admission to white schools. Desegregation began Aug. 30, 1962, by State Pupil Placement Board assignments.

LEGISLATION (64)

1955

Ch. 2—Proposed amendment to revise Section 141 of state constitution to permit public funds for tuition grants to students attending private nonsectarian schools. Approved in referendum Jan. 9, 1956.

1956

SJR 3—Interposition.

Ch. 591—Provided election of school board members by local governing body in Arlington County, replacing popular election.

1956

(Extra Session)

Ch. 31—Prohibited solicitations for litigation. Ruled unconstitutional in September, 1962, in *NAACP v. Harrison.*

Ch. 32—Required registration of advocates of racial integration or segregation.

Ch. 33—Prohibited solicitation of business for lawyers.

Ch. 34—Created joint committee to study administration of justice. Repealed 1958.

Ch. 35—Banned barratry. Ruled unconstitutional in September, 1962, in *NAACP v. Harrison.*

Ch. 36—Banned inducing litigation. Declared unconstitutional by State Supreme Court on Sept. 2, 1960.

Ch. 37—Created joint committee to study administration of justice. Repealed 1958.

Ch. 39—Provided that State Board of Education shall not refuse to accredit any school for the sole reason that the school is not conducted in a building meeting requirements. Repealed by *HB 11*, 1964.

Ch. 40—Provided closure of any school policed by federal troops or officers. Repealed 1959.

Ch. 56—Provided funds for private schooling. Repealed 1959.

Ch. 57—Authorized taxation and appropriations for tuition grants. Repealed 1959.

Ch. 58—Included tuition grants in school budgets. Repealed 1959.

Ch. 59—Provided no child would be required to attend desegregated school. Repealed 1959.

Ch. 60—Relieved school boards on transportation requirements.

Ch. 61—Amended law governing assignment of teachers to increase authority of division superintendents.

Ch. 62—Authorized tuition grants. Repealed 1959.

Ch. 63—Provided legal defense for school boards and members.

Ch. 64—Extended teacher retirement benefits to private schools.

Ch. 65—Directed the attorney general to assist local school boards in legal cases.

Ch. 66—Permitted reduction in school terms.

Ch. 67—Permitted month-to-month school financing.

Ch. 68—Gave state authority over schools ordered to desegregate. Repealed 1959.

Ch. 69—Gave governor authority to operate schools. Repealed 1959.

Ch. 70—Created Pupil Placement Board. Held invalid in *Beckett v. Norfolk School Board* in 1957. Amended by *Ch. 500* in 1958.

Ch. 71—Withheld state funds from desegregated schools. Repealed 1959.

1958

HJR 50—Directed state bar to punish persons guilty of unethical or unauthorized law practice.

Ch. 41—Provided closure of any school policed by federal troops or officers. Repealed 1959.

Ch. 223—Created commission on constitutional government.

Ch. 319—Closed all schools in a district policed by federal forces. Repealed 1959.

Ch. 373—Created committee on offenses against administration of justice.

Ch. 500—Amended Pupil Placement Act (*Ch. 70*) to give placement board subpoena powers, to substitute criteria for pupil assignment, and to permit parents to sign assignment applications under protest.

Ch. 506—Required registration of non-profit organizations engaged in law practice.

Ch. 540—Required federalization of state militia be handled through governor.

Ch. 628—Authorized school boards to determine eligibility of non-residents to attend public schools, and to charge non-residents tuition. Amended by *Ch. 81* of 1959.

Ch. 631—Amended school closing law. Repealed 1959.

Ch. 642—Limited state funds to "efficient" schools and defined "efficient" as one without racial integration. Repealed in 1959.

1959

(Extra Session)

Ch. 1—Amended and re-enacted tuition grant legislation of 1956 Extra Session to provide grants for children in public schools outside locality making grant, as well as in non-sectarian private schools.

Ch. 2—Repealed compulsory attendance laws.

Ch. 4—Prohibited false bomb threats.

Ch. 6—Made it unlawful to mis-use tuition grants.

1959

(Extra Session)

Ch. 49—Authorized localities to provide free transportation for pupils attending nonsectarian, private schools. Repealed by *HB 7*, 1964.

Ch. 50—Provided for repayment of teacher scholarships by service in either private or public schools. Repealed by *HB 4*, 1964.

Ch. 52—Gave localities budgetary flexibility so that school appropriations may be cut off in 30 days.

Ch. 53—Provided state tuition grants up to $275 per year for private schooling of any child.

Ch. 68—Permitted 10 per cent of voters to initiate referendum for disposal of local school property. Invalidated on Nov. 27, 1961, in *Howard v. Alleghany County School Board.*

Ch. 71—Gave localities option of remaining under the State Pupil Placement Board or administering their own local assignment plans.

Ch. 72—Re-enacted compulsory attendance provisions, but left enforcement to the local school boards and authorized parents to withhold their children from school.

Ch. 80—Exempted private school buildings from zoning and building code laws for two years. Repealed by *HB 10*, 1964.

Ch. 81—Set limits on determination of tuition charges. Amended *Ch. 628* of 1958.

1960

Ch. 191—Authorized localities to permit taxpayers to deduct contributions to nonsectarian private schools from real estate and personal property tax levies. Repealed by *HB 6*, 1964.

Ch. 448—Revised formula for scholarship grants to children attending private or public schools other than ones to which they normally would be assigned.

Ch. 461—Authorized local governing bodies to spend funds for private schooling of children. Repealed by *HB 9*, 1964.

1962

Ch. 183—Permitted teachers to terminate their contracts any time the schools in which they teach become desegregated, either at the student or the faculty level.

1964

(Extra Session)

HB 4—Repealed *Ch. 50*, 1959 extra session.

HB 5—Amended Code of Virginia to allow any private school to participate in the state retirement system.

HB 6—Repealed *Ch. 191*, 1960.

HB 7—Repealed *Ch. 49*, 1959 extra session.

HB 8—Amended Code of Virginia to limit tuition grants to actual per pupil cost of educating children of public schools in particular locality.

HB 9—Repealed *Ch. 461*. 1960.

HB 10—Repealed *Ch. 80*. 1959 extra session.

HB 11—Repealed *Ch. 39*, 1956 extra session.

WEST VIRGINIA

Elementary and High Schools

55 Districts: 44 with Negroes and Whites;
44 Desegregated

	White	Negro	Total
Enrollment*	426,821	21,000	447,821
Teachers*	16,631	863	17,494

*Racial breakdown estimated

Colleges and Universities

All 11 Desegregated

	Predominantly White	Predominantly Negro	Total
Institutions	10	1	11
Enrollment*	26,264	749	27,013

*Racial breakdown estimated

Status of Segregation-Desegregation

PUBLIC SCHOOLS

Desegregation was first started in the Monogalia County public schools in the fall of 1954. All 44 of the state's school districts with whites and Negroes have begun or completed the desegregation process. Five of the districts desegregated by court order, and the others acted voluntarily. All the desegregated districts are believed to have biracial schools. An estimated 389,921 whites and an estimated 21,000 Negro pupils are enrolled in the desegregated districts. An estimated 18,500 Negroes are in classes with whites.

Desegregated Counties

Barbour
Berkeley
Boone
Braxton
Brooke
Cabell
Calhoun
Clay
Fayette
Grant
Greenbrier
Hampshire
Hancock
Hardy
Harrison
Jefferson
Kanawha
Lewis
Lincoln
Logan
Marion
Marshall
Mason
McDowell
Mercer
Mineral
Mingo
Monongalia
Monroe
Morgan
Ohio
Pendleton
Pocohontas
Preston
Raleigh
Randolph
Summers
Taylor
Tucker
Upshur
Wayne
Wetzel
Wood
Wyoming

All-White Counties

Doddridge
Gilmer
Jackson
Nicholas
Pleasants
Putnam
Ritchie
Roane
Tyler
Webster
Wirt

TEACHERS

A survey made in 1960 found that 58 Negro teachers had been displaced because of desegregation. Some faculties are desegregated.

HIGHER EDUCATION

In 1938 West Virginia University voluntarily admitted Negroes to graduate schools. All 11 state-supported colleges and universities have been open to applicants without regard to race since 1954, by directives from the State Board of Education and the University Board of Governors. There have been no court cases dealing with higher education. Enrollments by school are:

	Enrollment*		Date
Predominantly White	White	Negro	Deseg.
Concord	1,637	5	1954-V
Fairmont	1,690	24	1954-V
Glenville	991	0	1954-V
Marshall Univ.	4,625	78	1954-V
Potomac	614	10	1954-V
Shepherd	1,007	29	1954-V
West Liberty	1,804	6	1954-V
W. Va. State	1,272	910	1954-V
W. Va. Institute of Tech.	1,524	27	1954-V
W. Va. Univ.	9,876	135	1938-V
TOTALS	25,040	1,224	
Predominantly Negro			
Bluefield	424	325	1954-V
STATE TOTALS	25,464	1,549	

*Racial breakdowns estimated, based on official totals.

FACULTIES

Bluefield and West Virginia State have predominantly Negro faculties. Both institutions started hiring white instructors in 1960-61.

SPECIAL SCHOOLS

The 1957 legislature dropped race restrictions for admission to the West Virginia School for the Deaf and Blind, and the special schools at the Boys and Girls industrial schools are desegregated. The former Negro industrial schools have been closed and the children sent to the previously all-white institutions.

ETHNIC GROUPS

The West Virginia Human Rights Commission reported during 1963-64 that Barbour County had a group of non-whites known locally as "Guineas," who had resisted the designation "colored" and refused to attend Negro high schools.

LITIGATION (9)

Anderson v. Mercer County Board of Education
Filed in 1955 and voluntary desegregation ordered by the second semester of the 1956-57 school year. Case still held in Southern U.S. District Court. NAACP petitioned in November, 1963, to reopen case.

Dunn v. Greenbrier County Board of Education
Filed in 1955 and brought voluntary desegregation Jan. 18, 1956. Case still open in Southern U.S. District Court.

Goode v. Summers County Board of Education
Filed in 1959 and charged discriminatory practice in teacher hiring. U.S. District Judge John A. Field ruled on Sept. 3, 1963, that the board did not discriminate in failing to rehire Mrs. Edith Goode for the 1957-8 school year.

Martin v. McDowell County Board of Education
Filed in 1955 and brought desegregation in September, 1956. Case still held in Southern U.S. District Court.

Pierce v. Cabell County Board of Education
Filed in 1955 and voluntary desegregation ordered by second semester of 1956-57 school term. Case still held in Southern U.S. District Court.

Shedd v. Logan County Board of Education
Filed in 1956 and voluntary desegregation ordered by beginning of 1957-58 school year. Case still held in Southern U.S. District Court.

Starling v. Mingo County Board of Education
Filed in 1959 and charged discriminatory practice in teacher hiring. Court found for the defendant, but the teacher was reinstated and given a continuing contract.

Taylor v. Raleigh County Board of Education
Filed in 1955 and voluntary desegregation ordered by the second semester of the 1956-57 school year. NAACP in 1961 filed notice in Southern U.S. District Court to reopen case. Court directed board to change policy, allowing children to attend school nearest residence. Case remained open.

Wilkinson v. Harrison County Board of Education
Filed in 1956 and brought desegregation May 28, 1957. Case still held in Northern U.S. District Court.

LEGISLATION (2)

1957

SB 219—Eliminated references to West Virginia State College as a Negro institution.

1961

HB 115—Created a state Human Rights Commission.

Status Before 1954

When the U.S. Supreme Court first ruled in the school segregation cases on May 17, 1954, 17 Southern and border states, plus the District of Columbia, maintained segregated elementary and high schools by law, except in some communities having only a few Negro children to educate from time to time, or those allowing a few Negroes to attend special courses. Districts known to have had biracial classes before the 1954 decision were Arden and Claymont, Del., Baltimore, Md., and Friona, Tex., involving about 66 Negroes total. Six Southern states and all six border states had begun college desegregation before 1954. Four states outside the region — Arizona, Kansas, New Mexico, and Wyoming — allowed varieties of local segregation. Sixteen states had laws prohibiting segregation but not all enforced them. Eleven other Northern and Western states had no laws on the subject. The "School Segregation Cases" were *Oliver Brown et al v. Board of Education of Topeka, Kan., et al; Harry Briggs Jr. et al v. R. W. Elliott et al* (Clarendon County, S.C.); *Dorothy E. Davis et al v. County School Board of Prince Edward County, Va., et al; Francis B. Gebhardt et al v. Ethel Louise Belton* (New Castle County, Del.); and *Spottswood Thomas Bolling et al v. Melvin Sharpe et al* (District of Columbia). The Supreme Court's implementing decision was delivered May 31, 1955.

Statistical Developments From 1954

Note: These tables contain the best available figures for each respective school year. The figures in these tables differ in some instances from those given in past issues of Southern School News or the Statistical Summary because of corrections to conform to a consistent policy on statistics, or substitutions of more accurate information that became available later.

1954-55

	School Districts			Enrollment		In Desegregated Districts		Negroes In Schools With Whites	
State	**Total**	**With Negroes & Whites**	**Deseg.**	**White**	**Negro**	**White**	**Negro**	**No.**	**%†**
Alabama	111	111	0	471,511	248,967	0	0	0	0
Arkansas	423	228	2	306,234	101,144	NA	NA	20*	.020
Florida	67	67	0	526,232	150,991	0	0	0	0
Georgia	202	202	0	556,006	274,040	0	0	0	0
Louisiana	67	67	0	350,758	217,564	0	0	0	0
Mississippi	971	971	0	273,722	268,216	0	0	0	0
North Carolina	172	172	0	706,110	293,965	0	0	0	0
South Carolina	108	108	0	307,306	235,528	0	0	0	0
Tennessee	152	141	0	617,558	123,375	0	0	0	0
Texas	1,953	1,142	1	1,448,707	224,894	NA	NA	3	.001
Virginia	129	128	0	541,233	176,378	0	0	0	0
SOUTH	4,355	3,337	3	6,105,378	2,315,062	NA	NA	23	.001
Delaware	110	63	11	49,989	10,479	NA	NA	200*	1.91
Dist. of Columbia	1	1	1	38,768	68,877	38,768	68,877	NA	NA
Kentucky	224	180	0	539,943	37,289	0	0	0	0
Maryland	24	23	1	325,736**	84,592**	NA	NA	4,332*	5.12
Missouri	4,000*	244	114	610,662**	60,829**	NA	NA	NA	NA
Oklahoma	1,800	353	0	447,168	36,040	0	0	0	0
West Virginia	55	43	29	426,345	25,646	NA	NA	1,100	4.29
BORDER	6,214	907	156	2,438,611	323,752	NA	NA	NA	NA
REGION	10,569	4,244	159	8,543,989	2,638,814	NA	NA	NA	NA

*Estimated. **1953-54.

1955-56

	School Districts			Enrollment		In Desegregated Districts		Negroes In Schools With Whites	
State	**Total**	**With Negroes & Whites**	**Deseg.**	**White**	**Negro**	**White**	**Negro**	**No.**	**%**
Alabama	111	111	0	479,875	253,517	0	0	0	0
Arkansas	423	228	4	316,709	102,000	2,170*	49*	47	.046
Florida	67	67	0	594,220	165,957	0	0	0	0
Georgia	202	202	0	573,463	278,488	0	0	0	0
Louisiana	67	67	0	364,778	227,517	0	0	0	0
Mississippi	971	971	0	275,744	270,250	0	0	0	0
North Carolina	172	172	0	722,461	301,286	0	0	0	0
South Carolina	108	108	0	319,670	243,574	0	0	0	0
Tennessee	152	141	1	626,781	128,164	7,500*	250*	85	.066
Texas	1,802	714	73	1,510,693	234,654	410,000*	21,000*	2,650	1.13
Virginia	129	128	0	565,396	182,391	0	0	0	0
SOUTH	4,204	2,909	78	6,349,790	2,417,798	419,670*	21,299*	2,782	.115
Delaware	104	63	12	53,191	11,199	NA	5,086	1,230	11.0
Dist. of Columbia	1	1	1	38,768	68,877	38,768	68,877	NA	NA
Kentucky	224	180	38	526,257	37,006	55,698	1,309	313	.846
Maryland	24	23	11	325,736*	84,592*	NA	81,975	13,479*	15.9
Missouri	3,600	244	114	610,662*	60,829*	NA	58,000*	NA	NA
Oklahoma	1,646	353	118	489,828	36,390	NA	20,000*	NA	NA
West Virginia	55	44	35	426,345*	25,646*	NA	16,000*	NA	NA
BORDER	5,654	908	329	2,470,787	324,539	NA	251,247	NA	NA
REGION	9,858	3,817	407	8,820,577	2,742,337	NA	272,546	NA	NA

*Estimated.

1956-57

State	School Districts			Enrollment		In Desegregated Districts		Negroes In Schools With Whites	
	Total	With Negroes & Whites	Deseg.	White	Negro	White	Negro	No.	%
Alabama	111	111	0	471,900*	273,200*	0	0	0	0
Arkansas	423	228	5	316,709**	102,000**	8,439	941	34	.033
Florida	67	67	0	594,220**	165,957**	0	0	0	0
Georgia	200	196	0	644,328*	297,672*	0	0	0	0
Louisiana	67	67	0	375,000*	225,000*	0	0	0	0
Mississippi	827	827	0	273,722*	268,216*	0	0	0	0
North Carolina	172	172	0	724,302	301,161	0	0	0	0
South Carolina	107	107	0	319,670**	243,574**	0	0	0	0
Tennessee	152	141	2	626,781**	128,164**	16,100	344	100*	.078
Texas	1,800	841	103	1,565,568*	248.532*	500,000*	25,000*	3,380*	1.36
Virginia	129	128	0	566,596	184,417	0	0	0	0
SOUTH	4,055	2,885	110	6,478,796	2,437,893	524,539	26,285	3,514	.144
Delaware	102	61	13	53.904	11,411	25,706	5,145	3,248	28.5
Dist. of Columbia	1	1	1	34,758	73,723	34,758	73,723	71,500	97.0
Kentucky	221	177	108	551,771*	38,358*	200,000*	22,000	8,017	20.9
Maryland	24	23	20	397,417	109,720	397,417	89,668	20,936*	19.1
Missouri	3,600	244	193*	677,500*	67,000*	NA	59,000*	NA	NA
Oklahoma	1,639	261	197	495,664	36,390	243,100*	24,500*	3,177	8.73
West Virginia	55	43	41	434,001*	23,806*	422.424	24,953*	NA	NA
BORDER	5,642	810	573	2,645,015	360,408	1,323,405†	298,989	106,878††	NA
REGION	9,697	3,695	683	9,123,811	2,798,301	1,847,944†	325,274	110,392††	NA

*Estimated. **1955-56 †Missouri not included ††Missouri and West Virginia not included

1957-58

State	School Districts			Enrollment		In Desegregated Districts		Negroes In Schools With Whites	
	Total	With Negroes & Whites	Deseg.	White	Negro	White	Negro	No.	%
Alabama	111	111	0	475,500*	279,300*	0	0	0	0
Arkansas	423	228	8	315,806	104,205	16,469	1,918	98	.094
Florida	67	67	0	703,800*	196,200*	0	0	0	0
Georgia	200	196	0	649,800*	300,200*	0	0	0	0
Louisiana	67	67	0	390,625*	234,375*	0	0	0	0
Mississippi	151	151	0	276,276*	269,724*	0	0	0	0
North Carolina	172	172	3	755,000*	322,000*	44,353	23,787	11	.003
South Carolina	107	107	0	334,513	249,770	0	0	0	0
Tennessee	152	141	3	657,560*	133,740*	18,020	1,644	120*	.090
Texas	1,468	722	123	1,627,307*	258,333*	560,000	24,600	3,600*	1.39
Virginia	129	128	0	584,523	190,707	0	0	0	0
SOUTH	3,047	2,090	137	6,770,710	2,538,554	638,842	51,949	3,829	.151
Delaware	102	61	18	56,913	12,429	25,706	5,145	4,497	36,2
Dist. of Columbia	1	1	1	32,003	79,111	32,003	79,111	70,000*	88.5
Kentucky	216	170	113	551,771*	38,358*	218,615	23,500	10,897	28.4
Maryland	24	23	21	417,214	116,275	387,938	106,930	25,650	22.1
Missouri	3,600	244	209	675,000*	77,000*	NA	60,000*	NA	0
Oklahoma	1,469	271	216	495,664†	36,390†	247,541	24,817	6,633	18.2
West Virginia	55	43	43	428,300*	25,834*	402,116	25,834	10,000*	38.7
BORDER	5.467	813	621	2,656,865	385,397	1,313,919††	325,337	127,677††	NA
REGION	8,514	2,903	758	9,427,575	2,923,951	1,952,761††	377,286	131,506††	NA

*Estimated. †1956-57 ††Missouri not included

1958-59

State	School Districts			Enrollment		In Desegregated Districts		Negroes In Schools With Whites	
	Total	With Negroes & Whites	Deseg.	White	Negro	White	Negro	No.	%
Alabama	113	113	0	497,700*	292,300*	0	0	0	0
Arkansas	422	228	8	317,053	105,130	25,133	2,209	80	.076
Florida	67	67	0	708,138	187,742	0	0	0	0
Georgia	198	196	0	667,781	310,753	0	0	0	0
Louisiana	67	67	0	412,563	261,491	0	0	0	0
Mississippi	151	151	0	276,326	268,905	0	0	0	0
North Carolina	174	174	4	755,282	319,613	50,029	27,782	14	.004
South Carolina	107	107	0	344,893	255,616	0	0	0	0
Tennessee	153	142	3	651,900*	143,100*	31,794	11,630	82	.057
Texas	1,646	722	125	1,702,141*	266,168*	575,000*	25,000*	3,250*	1.22
Virginia	129	128	4	605,090	198,629	70,401	18,873	30	.015
SOUTH	3,227	2,095	144	6,938,867	2,609,447	752,357	85,494	3,456	.132
Delaware	97	51	17	59,765	13,118	29,158	6,209	5,727	43.7
Dist. of Columbia	1	1	1	29,569	84,650	29,569	84,650	69,007	81.5
Kentucky	215	175	123	572,814*	41,793*	370,234	31,768	11,492	27.5
Maryland	24	23	23	417,714	116,478	407,902	113,451	37,775	32.4
Missouri	2,890	237	203	705,600*	78,400*	NA	74,480	NA	NA
Oklahoma	1,365	250	186	485,996	39,405	258,834	25,843	8,351	21.2
West Virginia	55	43	43	440,195*	25,127*	413,459	25,127	10,000*	39.8
BORDER	4,647	780	596	2,711,653	398,971	1,509,156†	361,528	142,352†	NA
REGION	7,874	2,875	740	9,650,520	3,008,418	2,261,513†	447,022	145,808†	NA

*Estimated †Missouri not included

1959-60

	School Districts			Enrollment		In Desegregated Districts		Negroes In Schools With Whites	
State	Total	With Negroes & Whites	Deseg.	White	Negro	White	Negro	No.	%
Alabama	113	113	0	516,135	271,134	0	0	0	0
Arkansas	422	228	9	317,475	106,731	50,272	9,750	98	.092
Florida	67	67	1	761,819	201,091	129,186*	26,648*	512	.255
Georgia	198	196	0	682,354	318,405	0	0	0	0
Louisiana	67	67	0	422,181	271,021	0	0	0	0
Mississippi	151	151	0	287,781	278,640	0	0	0	0
North Carolina	174	174	7	816,682	302,060	76,608	43,506	34	.011
South Carolina	108	108	0	352,164	257,935	0	0	0	0
Tennessee	154	143	4	668,300	146,700	38,325	13,752	169	.115
Texas	1,581	720	126	1,783,737*	279,374*	632,000*	33,000*	3,300*	1.18
Virginia	129	128	6	617,349	203,229	74,606	21,735	103	.051
SOUTH	3,164	2,095	153	7,225,977	2,636,320	1,000,997	148,391	4,216	.160
Delaware	94	51	19	63,088	14,063	38,898	7,399	6,196	44.1
Dist. of Columbia	1	1	1	27,136	89,451	27,136	89,451	73,290	81.9
Kentucky	212	173	129	593,494	41,938	388,000	32,000	16,329	38.9
Maryland	24	23	23	442,244	130,076	406,286	114,682	38,053	29.3
Missouri	2,143	214*	200*	738,000*	82,000*	NA	74,480	35,000*	42.7
Oklahoma	1,323	251	187	485,996*	39,405*	261,840*	30,000*	10,246*	26.0
West Virginia	55	43	43	427,864	24,010	414,968*	24,010	12,000*	50.0
BORDER	3,852	756	602	2,777,822	420,948	1,537,128†	372,022	191,114	45.4
REGION	7,016	2,851	755	10,003,799	3,057,263	2,538,125†	520,413	195,330	6.4

*Estimated †Missouri not included

1960-61

	School Districts			Enrollment		In Desegregated Districts		Negroes In Schools With Whites	
State	Total	With Negroes & Whites	Deseg.	White	Negro	White	Negro	No.	%
Alabama	114	114	0	523,303	276,029	0	0	0	0
Arkansas	422	228	10	320,204	108,841	52,126	12,639	113	.104
Florida	67	67	1	807,512	212,280	133,336	27,502	28	.013
Georgia	198	196	0	626,377	295,255	0	0	0	0
Louisiana	67	67	1	422,181**	271,021**	37,490	51,113	1	.0004
Mississippi	151	151	0	287,781**	278,640**	0	0	0	0
North Carolina	173	173	10	832,200*	307,800*	117,404	54,746	82	.027
South Carolina	108	108	0	354,227	258,667	0	0	0	0
Tennessee	154	143	7	675,648	152,352*	130,953	21,881	376	.247
Texas	1,531	720	132	1,840,987*	288,553*	800,000*	85,000*	3,500*	1.21
Virginia	130	128	11	668,500*	211,000*	177,731	52,286	208	.099
SOUTH	3,115	2,095	172	7,358,920	2,660,438	1,449,040	305,167	4,303	.162
Delaware	92	51	24	66,630	14,973	47,932	8,628	6,738	45.0
Dist. of Columbia	1	1	1	24,697	96,751	24,697	96,751	81,392	84.1
Kentucky	211	169	141	600,000*	41,938**	445,000*	32,000*	20,000*	47.7
Maryland	24	23	23	461,206	136,882	456,410	136,882	45,943	33.6
Missouri	1,889	214*	200*	758,000*	84,000*	NA	75,000*	35,000*	41.7
Oklahoma	1,276	240	190	504,125	40,875	266,405	30,725	9,822	24.0
West Virginia	55	43	43	416,646	21,010	374,981*	21,010	14,000*	66.6
BORDER	3,548	744	611	2,824,798	436,429	1,615,425†	400,996	212,895	49.0
REGION	6,663	2,839	783	10,183,718	3,096,867	3,064,465†	706,163	217,203	7.0

*Estimated **1959-60 †Missouri not included

1961-62

	School Districts			Enrollment		In Desegregated Districts		Negroes In Schools With Whites	
State	Total	With Negroes & Whites	Deseg.	White	Negro	White	Negro	No.	%
Alabama	114	114	0	527,075	280,212	0	0	0	0
Arkansas	418	228	10	320,204**	108,841**	54,737	13,237	151	.139
Florida	67	67	5	927,331	242,097	348,209	61,883	648	.268
Georgia	198	196	1	641,710	303,005	59,319	48,963	8	.003
Louisiana	67	67	1	450,000*	295,000*	38,217	56,095	12	.004
Mississippi	150	150	0	297,419	288,089	0	0	0	0
North Carolina	173	173	11	787,405	332,962	130,439	60,044	203	.061
South Carolina	108	108	0	363,768*	265,076*	0	0	0	0
Tennessee	154	143	18	663,065*	155,000*	225,096	74,524	1,167	.753
Texas	1,483	890	149	1,892,044*	300,867*	805,000*	95,700*	4,000*	1.33
Virginia	131	129	20	679,230	221,037	261,528	76,252	536	.242
SOUTH	3,063	2,265	215	7,549,251	2,792,186	1,922,545	486,698	6,725	.241
Delaware	92	92	92	70,249	15,917	70,249	15,917	8,540	53.7
Dist. of Columbia	1	1	1	23,462	103,806	23,462	103,806	88,881	85.6
Kentucky	211	169	141	600,000*	43,000*	432,996*	34,000	22,021	51.2
Maryland	24	23	23	481,276	143,879	476,473	143,879	59,729	41.5
Missouri	1,692	214*	203*	760,950*	84,550*	NA	75,000*	35,000*	41.4
Oklahoma	1,232	240	195	508,750*	41,250*	295,525*	33,817*	10,555	25.6
West Virginia	55	43	43	411,790*	25,000*	362,577*	25,000*	15,500*	62.0
BORDER	3,307	782	698	2,856,477	457,402	1,661,282†	431,419	240,226	52.5
REGION	6,370	3,047	913	10,405,728	3,249,588	3,583,827†	918,117	246,951	7.6

*Estimated **1960-61 †Missouri not included

1962-63

	School Districts			Enrollment		In Desegregated Districts		Negroes In Schools With Whites	
State	Total	With Negroes & Whites	Deseg.	White	Negro	White	Negro	No.	%
Alabama	114	114	0	539,996	287,414	0	0	0	0
Arkansas	416	228	12	328,023	112,012	58,993	13,801	247	.221
Florida	67	67	10	956,423	227,291	559,832	104,322	1,551	.682
Georgia	198	182	1	662,244	325,141	58,418*	52,212*	44	.014
Louisiana	67	67	1	460,589	301,433	38,538	59,009	107	.035
Mississippi	150	150	0	300,000*	290,000*	0	0	0	0
North Carolina	173	173	18	800,289	341,352	171,291	84,185	879	.258
South Carolina	108	108	0	365,340*	265,288*	0	0	0	0
Tennessee	154	143	27	670,387*	159,299*	295,656	96,235	1,810	1.14
Texas	1,461	919	177	1,951,613*	303,980*	1,200,000*	130,000*	7,000*	2.30
Virginia	130	128	32	704,725*	229,105*	360,000*	105,000*	1,230*	.537
SOUTH	3,038	2,279	278	7,739,629	2,842,315	2,742,728	644,764	12,868	.453
Delaware	87	87	87	73,769	16,992	61,470	11,769	9,498	55.9
Dist. of Columbia	1	1	1	22,141	110,759	22,141	110,759	87,749	79.2
Kentucky	206	167	149	610,000*	45,000*	446,000*	36,382*	24,346	54.1
Maryland	24	23	23	514,313**	153,215**	509,489*	153,215*	69,147	45.1
Missouri	1,607	213*	203*	767,620	90,000*	255,000*	80,000*	35,000*	38.9
Oklahoma	1,180	241	196	515,200*	44,800*	316,441*	34,495*	10,557*	23.6
West Virginia	55	43	43	412,878*	25,250*	363,498*	25,250*	15,500*	61.4
BORDER	3,160	775	702	2,915,921	486,016	1,974,039	451,870	251,797	51.8
REGION	6,198	3,054	980	10,655,550	3,328,331	4,716,767	1,096,634	264,665	8.0

*Estimated **Racial breakdown estimated from official totals

1963-64

	School Districts			Enrollment		In Desegregated Districts		Negroes In Schools With Whites	
State	Total	With Negroes & Whites	Deseg.	White	Negro	White	Negro	No.	%
Alabama	114	114	4	549,543	293,476	109,882	71,977	21	.007
Arkansas	415	228	13	333,630	114,651	66,752	18,643	362	.316
Florida	67	67	16	964,241*	237,871*	669,375	130,667	3,650	1.53
Georgia	197	181	4	689,323	337,534	95,731	77,599	177	.052
Louisiana	67	67	2	460,589*	301,433*	68,700	79,077	1,814	.602
Mississippi	150	150	0	308,409	295,962	0	0	0	0
North Carolina	171	171	40	820,900*	347,063*	367,764*	133,164*	1,865	.537
South Carolina	108	108	1	368,496*	258,955*	3,108	9,539	9	.003
Tennessee	154	143	46	687,902*	164,940*	380,321	120,447	4,486	2.72
Texas	1,421	899	264	2,045,499*	326,409*	1,300,000*	200,000*	18,000*	5.52
Virginia	130	128	55	710,176	228,961	486,231	145,658	3,721	1.63
SOUTH	2,994	2,256	445	7,938,708	2,907,255	3,547,864	986,771	34,105	1.17
Delaware	85	85	85	78,730	18,066	68,321	13,976	10,209	56.5
Dist. of Columbia	1	1	1	19,803	117,915	19,803	117,915	98,813	83.8
Kentucky	204	165	163	611,126*	54,874*	492,701*	54,874*	29,855	54.4
Maryland	24	23	23	540,667	160,946	535,691	160,946	76,906	47.8
Missouri	1,597	212*	203*	793,000*	95,000*	NA	90,000*	40,000*	42.1
Oklahoma	1,160	241	197	541,125*	43,875*	324,023*	35,596*	12,289*	28.0
West Virginia	55	44	44	417,595*	23,449*	367,483	23,449*	13,659*	58.2
BORDER	3,126	771	716	3,002,046	514,125	1,808,022†	496,756	281,731	54.8
REGION	6,120	3,027	1,161	10,940,754	3,421,380	5,355,886†	1,483,527	315,836	9.2

*Estimated †Missouri not included

U. S. Civil Rights Acts

Civil Rights Act of 1957—Established U.S. Commission on Civil Rights, to collect and study information on denial of equal protection of the laws, to appraise the laws and policies of the federal government in this area, and to report findings to Congress and the president; and provided for appointment of additional assistant attorney general, elevating the civil rights section of the Department of Justice to the status of a division.

Civil Rights Act of 1960—Strengthened measures available to the federal government for dealing with obstructions of court orders and burnings of schools and churches; and allowed government to provide schooling for children of military personnel where not available otherwise.

Civil Rights Act of 1964—Directed U.S. Office of Education to report to Congress in two years on progress of public school desegregation; authorized Office of Education to give technical and financial assistance on request to local school systems desegregating; authorized U.S. attorney general to file desegregation suits on behalf of public schools and colleges under certain conditions; provided for withholding funds from segregated schools; and created Community Relations Service as a conciliation agency.